

**CITY OF CEDARBURG
PLAN COMMISSION
September 4, 2024**

A regular meeting of the Plan Commission, City of Cedarburg, Wisconsin, will be held at 7:00 p.m. on Monday, September, 2024. Attendees have the option of joining the meeting in person at City Hall, W63N645 Washington Avenue, upper level, Council Chambers, or online via the following Zoom link:

<https://us02web.zoom.us/j/87994153523>

AGENDA

1. CALL TO ORDER - Mayor Patricia Thome
2. ROLL CALL: Present - Mayor Patricia Thome, Jack Arnett, Adam Voltz, Sig Strautmanis, Sherry Bublitz, Jon Scholz, Common Council Member Jim Fitzpatrick

Also Present - Mary Censky, City Planner, City Administrator Mikko Hilvo, Administrative Assistant Theresa Hanaman
3. STATEMENT OF PUBLIC NOTICE
4. APPROVAL OF MINUTES – August 5, 2024
5. COMMENTS AND SUGGESTIONS FROM CITIZENS
6. PUBLIC HEARING; AND ACTION THEREON 7:00 P.M.
 - * A. To consider and possibly approve the request of Himmat Dhillon and Brent Benjamin, d/b/a Station Cedarburg LLC, to have the existing Conditional Use Grant Permit and related Land Covenant transferred into their name(s) as the prospective new owners of the gas station, convenience store, and car wash use and site located at W62 N174 Washington Avenue. The applicant does not plan to make any changes to the structures, site or operating plan from what is currently permitted. This property is zoned B 2 Community Business District.
Tax Parcel No. 13-051-03-04-023
Ward/Ald District No. 5
 - * B. To consider and possibly approve a Conditional Use Permit for applicant/property owner is Mofro LLC in c/o Seth Dehne and d/b/a Sierzant, for bar use, including outdoor seating/consumption area, and outdoor recreation and outdoor entertainment, at N49 W5471 Portland Road. This property is zoned B-2 Community Business District.
Tax Parcel No. 13-051-01-02-000
Ward/Ald District No. 4
 - * C. To consider and possibly recommend approval to the Common Council of a Draft Ordinance containing updates to Section 13-1-226 of the City Code regarding 'Conditional Use Permit'. This item is City initiated.
7. REGULAR BUSINESS; AND ACTION THEREON
 - * A. Review, discussion and possible action/recommendation to the Common Council in favor of acquiring a ~.66-acre parcel of land located at W63 N530 Hanover Avenue for future public park purposes.
Tax Parcel No. 13-050-09-08-000
Ward/Ald District No. 3

- * B. Review, discussion and possible approval of a Temporary Use Permit for applicant/business owner Gordon Goggin to install a tent in the outdoor seating area from 11/4/2024 through 1/13/2025 for the Stilt House Restaurant located at W62 N630 Washington Avenue. The owner of this property is Nick Schuh Tavern, Inc. It is Zoned B-3 Central Business District w/ (HPO) Historic Preservation District Overlay.
Tax Parcel No. 13-107-03-05-002
Ward/Ald District No. 6

- * C. Review discussion and possible action/recommendation to the Common Council on the Outdoor Alcohol Beverage License Application submitted to the City Clerk's office for the premises located at N49 W5471 Portland Road. The applicant is Sierzant LLC in c/o Seth Dehne. This property is zoned B-2 Community Business District.
Tax Parcel No. 13-051-01-02-000
Ward/Ald District No. 4

- * D. Review, discussion and possible action on the request of applicants/property owners Peter and Laurie Wegner to add a third detached accessory structure to their residential zoned property bringing their total detached accessory structure square footage to ~1,340 square feet where Section 13-1-101(g) of the City Code provides that the maximum total square footage of detached accessory structures on a lot may not exceed 720. The Code goes on to say that appeals for a waiver to the restriction on the size of accessory structures shall be made to the Cedarburg Plan Commission. This .96-acre (41,817 sq. ft.) property, located at W71 N1046 Washington Avenue, is zoned Rs-4 Single-Family Residential.
Tax Key No. 13-022-09-020.00
Ward/Ald District No. 7

- * E. Review, discussion and possible action on the Sign Code waiver request of applicant Jeffrey Stoeger (d/b/a Cold County Vines and Wines LLC at W61 N517 Washington Avenue), to clean-up and place content on a pre-existing, content-free, pylon sign located at W61 N513 Washington Avenue.
Tax Parcel No. 13-050-0913-001 & 13-107-06-04-004
Ward/Aldermanic District No. 3.

- * F. Review and discussion on matters related to the Comprehensive Plan Update including:
 - Outline and Tentative Schedule-Updated
 - Chapter 2 – The Housing Element
 - Second round of discussion on this Chapter
 - Chapter 8 – The Land Use Element
 - Follow-up on review of the Smart Growth Areas north of Bridge Road
 - First time review of the Smart Growth Areas south of Bridge Road

8. COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

9. ** MAYOR'S ANNOUNCEMENTS

10. ADJOURNMENT

* Information attached for Commission Members; available through City Clerk's office.

** This topic is to be limited to such items as establishing the next meeting date, items for the next agenda, reminders of scheduled community events, etc.

City of Cedarburg is an affirmative action and equal opportunity employer. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, disability, age, sexual orientation, gender identity, national origin, veteran status, or genetic information. City of Cedarburg is committed to providing access, equal opportunity, and reasonable accommodation for individuals with disabilities in employment, its services, programs, and activities. To request reasonable accommodation, contact the Clerk's Office at (262) 375-7606 or email: cityhall@ci.cedarburg.wi.us.

**MEMBERS – PLEASE NOTIFY CITY CLERK'S
OFFICE IF UNABLE TO ATTEND MEETING**

It is possible that a quorum of members of the Common Council may attend Plan Commission meetings held the first Monday of each month at 7:00 p.m. No business will be conducted by the Common Council and no action will be taken. Attendance is for the purpose of information gathering and exchange.

08/28/2024

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20240805-1
UNAPPROVED MINUTES**

August 5, 2024

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, August 5, 2024, at Cedarburg City Hall, W63N645 Washington Avenue, upper level, Council Chambers and online via the Zoom app. The meeting was called to order at 7:00 p.m. by Mayor Patricia Thome.

Roll Call Present - Mayor Patricia Thome, Council Member Jim Fitzpatrick, Adam Voltz, Jack Arnett, Sherry Bublitz, Sig Strautmanis, Jon Scholz

Also Present - City Planner Mary Censky, City Administrator Mikko Hilvo, Administrative Secretary Theresa Hanaman, Joe Nowak, Seth Dehne, Residents

STATEMENT OF PUBLIC NOTICE

Administrative Secretary Hanaman confirmed that the agenda for the meeting had been posted and distributed in compliance with the Wisconsin Open Meetings Law.

APPROVAL OF MINUTES

A motion was made by Commissioner Bublitz, seconded by Commissioner Scholz to approve the Planning Commission minutes from July 1, 2024. Motion carried without a negative vote.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Cathy Czech – N119 W5835 James Circle, Cedarburg, WI 53012

Ms. Czech asked Plan Commission to change the meeting minutes from the June 3, 2024 Plan Commission meeting as she believes they did not accurately represent what she meant to say. It was noted that while the Plan Commission does not typically add word for word what a speaker says during a meeting, we do try to include a short, accurate synopsis.

Ms. Czech made remarks to the Commission regarding the total number of homes proposed in this north development area of the City (and beyond our boundaries) and expressed her concerns about how this might impact the Cedarburg School District.

Ms. Czech expressed concern whether there are enough amenities for families in this north area of the City. Ms. Czech hopes the City is not rushing these developments and not waiting for the updated Smart Plan. She shared her ideas about how the traffic and access solutions should be handled in the north area. She expressed opposition to more multi-family dwellings. Ms. Czech is in support of single-family homes and a limited number of 2-family dwellings and would like to see some single-family ranch style homes included in the developments.

Ms. Czech mentioned there is more land up for sale in this area now.

FIX INVESTMENTS, LLC IS REQUESTING THE REVIEW AND APPROVAL OF A CERTIFICATE OF APPROPRIATENESS FOR THE SITE SURVEY, FLOOR PLANS, EXTERIOR ELEVATIONS, AND MATERIAL SAMPLES FOR THE PROPERTY REHABILITATION PROJECT LOCATED AT W62 N596 WASHINGTON AVENUE.

Architect Voltz from Kubala Waskato Architects spoke on behalf of Fix Investments and explained the building is considered “contributing” within the Washington Avenue Historic District which was a surprise due to all the remodeling done over the years. The existing use of this building/site is not changing. The owner applicants wish to rehabilitate the building to more closely reflect its historic appearance and materials. With respect to architecture, materials, and exterior lighting, the Landmarks Commission has reviewed and recommends approval of a certificate of appropriateness as to the plan set.

The site plan reflects compliance with the spatial and bulk requirements of the B-3 District in terms of setbacks and offsets. The building is preexisting so the Floor Area Ratio is not changing. The rear deck and deck roof will be removed and replaced with a more spacious outdoor deck and second floor deck. Architect Voltz noted that the property is in the flood fringe. An accessible ramp and landing are also being added at the southeast corner of the building. The access and parking to serve this site remains unchanged under the revised plans. Architect Adam Voltz presented Plan Commission with the sample of roofing material and paint colors. The site plan was favorably recommended by Wisconsin Historic Preservation Office to the Department of Interior and is pending final approval at that level.

The Planner recommends the following conditions be considered for attachment to any approval the Planning Commission may be inclined to grant in this matter:

- 1) Applicant to comply with [Section 13-1-78\(4.3\) \(Standards for Development in the Flood fringe\)](#) of the Code as to the new improvements proposed to be placed on the east side of the building including the expanded deck and accessibility features.
- 2) Applicant to secure all required construction and building permits prior to the start of work on this project.

Action: Motion made by Commissioner Scholtz to accept the modifications to the Eric and Jackie Fix property as presented by Architect Adam Voltz, such approval being subject to the Planners recommendations above, seconded by Commission Strautmanis. The motion was carried without a negative vote. Commissioner Voltz is recused.

DISCUSSION, CONSIDERATION AND FEEDBACK REGARDING THE USE OF STEEL SHIPPING CONTAINERS AS PERMANENT PRINCIPAL OR ACCESSORY STRUCTURES ON PROPERTIES IN THE CITY.

Planner Censky brought to the attention of Plan Commission a recent inquiry about placing a 20-foot-long steel shipping container, modified to include operable awning windows, pedestrian doors to serve as a permanent outdoor structure/appurtenance at a B-2 Community Business District zoned property. In this case, the Applicant would propose to use it as an outdoor bar in support of their outdoor dining and consumption area. A shipping container does appear to meet the definition of structure that the City has in its Code (i.e., Structure. Any constructed, erected or placed material or combination of matter in or upon the ground, including buildings, towers, sheds, signs, poles, decorations, and carports but not including driveways or at-grade patios).

Planner Censky presumes this would be considered an accessory structure. Section 13-1-22 of the Code states that “Architectural review and standards are required for all new principal buildings proposed for construction on all new lots created by a subdivision plat, by Certified Survey Map and on all infill lots. Architectural style is not restricted; however, structures must be compatible with the surrounding area. To provide criteria for the implementation of the purposes set forth in section 13-1-120, the following architectural review principles, criteria, and procedures are established ...”. In the proposed new Code update language (which has been recommended but not adopted), the preceding language would be modified to include all buildings, not just principal buildings.

Before setting any precedent as to allowing these containers, the Planner would appreciate the Commissions feedback on the topic – whether to allow, and if so, with/under what conditions.

Commissioners discussed their thoughts on this type of structure being used in the City. There was some concern on the precedent that might be set if there’s no regulation on them. Concerns were brought up about aesthetics and whether these would be appropriate in all locations?

Council member Fitzpatrick feels that aesthetics and design elements or where a container would be located could be determined, on a case-by-case basis and these decisions could be approved or denied by the Commission. Council member Fitzpatrick suggests, if this is a legal issue/concern that we should have Attorney Herbrand involved.

Commissioner Voltz would be reluctant to make a wholesale denial of container structures. But thinks if Commission could evaluate a property based on location and context, a container structure could be appropriate and discreet. Commission Voltz also supports looking at these on a case-by-case basis.

Commissioner Bublitz concern is the City being involved in a lawsuit if we deny this structure type one site and approve another.

Planner Censky affirmed that the Commission does not always approve the initially proposed architectural plans-she noted, for example, the recent expansion plan of the clinic. Because,

architecturally, it did not fit in the context of the buildings, it was not approved, and applicant made changes until the Commission was satisfied. This is an example how this could evolve if Commission feels we don't need any special limitations on use of container structures. Commission has the ability to say no but Commission must take great care to articulate an explanation why something would be denied.

Planner Censky asked the Commission if they're comfortable with shipping containers in all districts or only certain districts.

Commissioner Strautmanis questioned what is different from a shipping container to a wood structure. It is simply a way to reuse an object. It could be made from wood or bricks to still look like a shipping container.

ACTION – This was a Discussion and Feedback item only. No action was taken.

REVIEW AND DISCUSSION ON MATTERS RELATED TO THE COMPREHENSIVE PLAN UPDATE INCLUDING

Planner Censky provided a detailed outline of what will be discussed regarding the Comprehensive Smart Growth Plan at each Plan Commission meeting from now until October of 2025. This outline and tentative schedule will consist of reviewing and discussion each chapter starting with Chapter 2, The Housing element and the Housing Report Proposal and Chapter 8, The Land Use Element and Traffic Planning and Access Study Proposal. As the material is developed for review and consideration by the Plan Commission, it will also be included on the City of Cedarburg's website under the Smart Growth Land Use Plan Amendment tab so the public can look over the same materials.

ACTION - This was a Discussion and Feedback item only. No action was taken.

PUBLIC COMMENT

Cathy Czech – N119 W5835 James Circle, Cedarburg, WI 53012 stated that she wanted the minutes of a previous Plan Commission meeting to be amended.

COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

None

MAYOR'S ANNOUNCEMENTS

Mayor Thome had no comments or announcements.

ADJOURNMENT

A motion was made by Commissioner Scholz, seconded by Commissioner Fitzpatrick to adjourn the meeting at 9:36 p.m. The motion was carried without a negative vote.

Theresa Hanaman
Administrative Secretary

PLANNERS REPORT

To: City of Cedarburg Plan Commission

By: Mary Censky

Date Prepared: September 4, 2024

General Information:

Agenda Item: 6.A.

Applicant:

Himmat Dhillon and Brent Benjamin, d/b/a Station Cedarburg LLC.

Current Property Owners:

Super Sales USA, Inc.

Requested Action:

Approval to transfer the existing conditional use permit and related land covenant for this site/use from the current property and business owner to a new property and business owner with no other changes.

Current Zoning:

B-2 Community Business District

Current Master Plan Classification:

Commercial

Surrounding Zoning/Land Use:

North: B-2

South: B-2

East: B-2

West: B-2

Lot Size:

~ 1.17 acres

Location:

W62 N174 Washington Ave.

Discussion:

The Planner is not aware that there have been any issues associated with this site or the associated uses (gas station, convenience store and car wash, as permitted through the existing CUP and it's subsequent amendments.

The business and property are being sold to a new party d/b/a Station Cedarburg LLC.

It is a requirement that the Plan Commission review and consider this transfer from one owner to the next in the same manner as for a new CUP.

Google Map Street View



Ozaukee County GIS Aerial Map View



Recommendation:

The Planner recommends the following conditions be attached to any approval the Plan Commission may be inclined toward granting in this matter:

- 1) Review and Approval by the City Building Inspector, Police Department, and Fire Inspector of a new occupancy permit.
- 2) Execution and recording of a new Land Covenant and any other related documents as may be required by the City Attorney to attach the existing permissions and conditions to the new owners.



The Property Owner and Applicant hereby jointly submit and request that an approval of this Land Development Application for the transfer of Conditional Use Zoning to Station Cedarburg LLC shall be expressly conditioned upon the closing of the sale of the property to Station Cedarburg LLC. *****

LAND DEVELOPMENT APPLICATION

PROPERTY LOCATION/ADDRESS: W62 N174 Washington Avenue (Parcel No. 13-051-03-04-023)

APPLICANT/BUSINESSNAME: Station Cedarburg LLC (principals: Himmat Dhillon and Brent Benjamin)

APPLICANT/BUSINESS ADDRESS: N6383 Tradewinds Circle, Beaver Dam, WI 53916; Brent Benjamin is a resident of Mequon.

STATUS OF APPLICANT: ☐ OWNER ☐ AGENT ☒ BUYER ☐ OTHER _____

PHONE: (608) 332-4476 EMAIL: himmatdhillon100@gmail.com

PROPERTY OWNER (IF DIFFERENT): Super Sales USA, Inc.

PROPERTY OWNER MAILING ADDRESS: P.O. Box 493, Grafton, WI 53024

PROPERTY OWNER PHONE: (262) 377-2766 PROPERTY OWNER EMAIL: ssusa85@gmail.com

REQUEST FOR (CHECK ALL THAT APPLY):

- | | |
|---|--|
| ☐ CONCEPT REVIEW | ☒ Transfer of
CONDITIONAL USE ZONING to Station Cedarburg LLC |
| ☐ SITE/ARCHITECTURAL PLAN APPROVAL | ☐ ANNEXATION REQUEST |
| ☐ SUBDIVISION PLAT OR CSM REVIEW | ☐ VARIANCE/BOARD OF APPEALS |
| ☐ ZONING DISTRICT CHANGE | ☐ OTHER _____ |

DESCRIBE REQUEST: The property is currently being used as a gas station, convenience store, and car wash.

The applicant has an accepted agreement with the owner to purchase the property, and upon closing, the applicant will continue to use the property as is with no changes (i.e., for a gas station, convenience store, and car wash).

PLEASE SUBMIT: **FIVE (5) COPIES OF WRITTEN DESCRIPTION OF PROPOSAL OR REQUEST FOR CITY STAFF REVIEW -PLUS ELECTRONIC
FIVE (5) FULL SETS OF SUPPORTING DRAWINGS, SKETCHES OR SURVEY MAPS FOR CITY STAFF REVIEW
PLUS ELECTRONIC
THIRTEEN (13) SETS OF PLANS (11" x 17" MAX) FOR PLAN COMMISSION REVIEW -PLUS ELECTRONIC**

ELECTRONIC COPIES MAY BE SENT TO THANAMAN@CITYOFCEDARBURG.WI.GOV

The undersigned certifies that he/she has familiarized themselves with the State and Local codes and procedures pertaining to this application. The undersigned further hereby certifies that the information contained in this application is true and correct. This application shall be signed by the property owner(s).

DocuSigned by: 7/24/2024
PROPERTY OWNER(S) SIGNATURE: *Douglas Gall* DATE: _____
53D664872D7D43B...

FOR CITY STAFF USE ONLY

TOTAL FEE: \$ _____ (SEE FEE SCHEDULE ON REVERSE PAGE) DATE FEE PAID: _____

APPLICATION AND FEE RECEIVED BY: _____ PLAN COMMISSION MEETING DATE: September

ATTACHMENTS (CHECK IF RECEIVED):
☐ FIVE DESCRIPTIONS ☐ FIVE FULL-SIZE SETS ☐ THIRTEEN PLAN SETS
 PROPERTY TAX KEY NO/PLAN COMMISSION FILE NO: 13-051-0304-023
 ZONING: B2 ALDERMANIC DISTRICT: W5/AD5 PREVIOUS MEETING: _____

TABLE OF CONTENTS
Attachments to Land Development Application

1. Land Covenant, Recorded September 20, 1985 with the Ozaukee County Register of Deeds in Vol. 536, Pages 368-369 as Document No. 363842
2. Conditional Use Grant Permit No., Recorded September 20, 1985 with the Ozaukee County Register of Deeds in Vol. 536, Pages 364-367 as Document No. 363841
3. Conditional Use Permit Amendment, Recorded April 8, 2003 with the Ozaukee County Register of Deeds as Document No. 748725.
4. Conditional Use Permit Amendment No. 2, Recorded October 22, 2008 with the Ozaukee County Register of Deeds as Document No. 0891340

363842

VOL 536 PAGE 368

LAND COVENANT

13-051-03-04-023

274 0271

THIS COVENANT, made this 20 day of Sept, 1985, by Ozaukee Development Corporation, Grantor, for the use and benefit of the City of Cedarburg and all persons residing or owning property within the boundaries of said City, Grantees.

The premises affected by this covenant (hereinafter the Premises), located in Ozaukee County, Wisconsin and more particularly described as follows:

Part of Lot 4, Block 3 of Assessor's Plat No. 2, being in the SE 1/4 Sec. 34, T10N R21E of the City of Cedarburg, Ozaukee County, Wisconsin.
The South 150 feet of Lot 1 of C.S.M. 1541

GRANTOR WARRANTIES AND REPRESENTATIONS

The Grantor warrants that he is the owner of the Premises and that no other person has any legally enforceable interest therein except by reason of easements for public utilities, building restrictions, dedications to the public or public bodies, and mortgages or other encumbrances of record.

The Grantor represents that he petitioned the City of Cedarburg pursuant to the Zoning Code of said City for permission to erect and/or conduct on the Premises a use there permissible not by right but only by Conditional Use Grant; that in connection therewith he made certain representations and agreements as to site, building and operation plans which were incorporated into the Conditional Use Grant; that based thereon Conditional Use Grant No. 363841 was issued under date of SEPT. 20, 1985, and that a true copy thereof is on file with the clerk of the City of Cedarburg.

The Grantor hereby accepts the Conditional Use Grant and covenant strictly to comply with all the terms and conditions thereof. This Covenant shall run with the land and shall be binding on the Grantor and on all persons claiming any estate or interest in the Premises by, through or under the Grantor, as long as the said Premises are used as described in the Conditional Use Grant for the operation of a convenient store, car wash and service station.

RECORDED

SEP 20 1 00 PM '85

Ronald H. Light
REGISTER OF DEEDS
OZAUKEE COUNTY WIS

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal
this 20th day of Sept, 1985.

Douglas R. Lane
Ozaukee Development Corporation
By Douglas R. Lane, President

Attest: Warren C. Know Secretary

STATE OF WISCONSIN)
) SS.
OZAUKEE COUNTY)

Personally came before me this 20 day of September, 1985,
the above named Douglas R. Lane to me known to be the person who
executed the foregoing instrument and acknowledged the same.
AND WARREN C. KNOW

Jeffrey W. Know
Notary Public STATE OF WISCONSIN
My Commission 7-20-86

This instrument prepared by
City Engineer, Russell A. Dimick

CONDITIONAL USE GRANT PERMIT NO.

Before the Plan Commission of the City of Cedarburg, Ozaukee County, Wisconsin in regard to Premises at W62 N174 Washington Avenue, Cedarburg, Ozaukee County, Wisconsin, more particularly described as follows:

Part of Lot 4, Block 3 of Assessor's Plat No. 2,
being in the SE 1/4 Sec. 34, T10N R21E of the
City of Cedarburg, Ozaukee County, Wisconsin.
The South 150 feet of LOT 1 of CSR NO. 1541

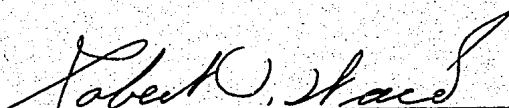
1. The Zoning Code and Zoning District Map of the City of Cedarburg, pursuant to State Statute, provide that the Premises may not be used of right for the purpose hereinafter described but that upon petition such use may be approved by the municipality as a Conditional Use Grant in particular circumstances as defined by the standards in the Zoning Ordinance.

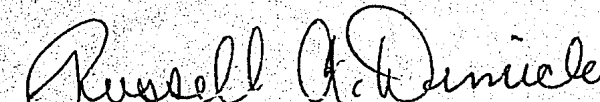
2. A petition has been made, and public hearing held thereon and the Plan Commission of the City of Cedarburg has determined that by reason of the particular nature, character and circumstances of the proposed use, and of the specific and contemporary conditions, grant of such use upon the terms and conditions hereinafter described would be consistent with the requirements of the City of Cedarburg Zoning Code.

3. The City of Cedarburg HEREBY GRANTS a Conditional Use Permit for Gas Station, Convenient Store and Car Wash subject to compliance with the terms and conditions stated herein.

GRANTED by action of the Plan Commission of the City of Cedarburg, the 3rd day of September, 1985.

ATTEST:


Robert T. Ward, Chairman
City Plan Commission


Russell A. Dimick, Secretary
City Plan Commission

Original filed in the office of the Register of Deeds, Ozaukee County, Wisconsin.

RECORDED

Signed _____

SEP 20 1 00 PM '85


REGISTER OF DEEDS
OZAUKEE COUNTY WIS.

13-057-02-04-018

CONDITIONS

The conditions of this Grant are:

1. This Grant shall become effective upon the execution and recording by the owners of the Premises of a land covenant accepting the conditions defined herein and constituting an effective covenant running with the land.

2. This Grant shall be void unless proper application pursuant to the building and zoning codes of the City of Cedarburg, for appropriate Building, and Zoning Use in conformity to this Grant, is made within 60 days of the date hereof.

3. This Grant is subject to amendment and termination in accordance with the provisions of the Zoning Code of the City of Cedarburg.

4. Construction and operation of the use granted shall be in strict conformity to the approved site, building and operation plans filed in connection with the Petition for this Grant.

5. Any of the conditions of this Grant which would normally be the responsibility of tenants of the premises shall be made a part of their lease by the Owner, which lease shall contained provisions for posting of the pertinent conditions to notify employees thereof.

6. Conditions on the Operations:

a. Hours of operation:

As set forth in the code of Municipal Ordinance of the City of Cedarburg.

b. Performance standards relating to noise, vibration, odor, smoke or dust:

As set forth in the code of Municipal Ordinances of the City of Cedarburg.

c. Water supply requirements:

As set forth in the code of Municipal Ordinance of the City of Cedarburg.

d. Provisions for sewage disposal:

As set forth in the code of Municipal Ordinance of the City of Cedarburg.

7. Conditions on the Buildings:

a. Facade material of each building side:

Construction to be as per plans submitted to the City of Cedarburg.

b. Entrances, Design and Location:

Construction to be as per plans submitted to the City of Cedarburg.

c. Signs attached to the Building, Location, Size, Design:

Applications for sign permits to be submitted separately to the City of Cedarburg Design Review Board.

d. Exterior lighting of the building:

Subdued lighting to be used for exterior illumination as per plans submitted to the City of Cedarburg.

8. Conditions on the Site:

a. Street access (number, location, design):

As set forth on the site plan presented by the Grantee and approved by the City Plan Commission

b. Off-Street Parking:

As set forth on the site plan presented by the Grantee and approved by the City Plan Commission.

c. Loading and Service Areas:

As set forth in the site plan presented by the Grantee and approved by the City Plan Commission.

d. Outside Storage of Materials, Products or Refuse:

No outdoor vending and ice machines and no outside storage of materials, products or refuse allowed.

e. Finished topography and building grades, retaining walls, storm water run-off:

Drainage to be collected by storm sewer off parking lot and balance of such construction to be as set forth in site plan presented by the Grantee and approved by the City Plan Commission.

f. Landscaping of the Site and Buildings:

As set forth in the approved, stamped site plan presented by the Grantee and approved by the City Plan Commission.

g. Pedestrian walkways, terraces, malls:

As set forth in the Code of Municipal Ordinances of the City of Cedarburg.

h. Signs (location, size and design, including lighting):

Signs to be applied for separately and no sign approved as part of Conditional Use Grant.

i. Exterior Lighting of the Site, location, design and power:

High pressure sodium subdued lighting to be used for exterior illumination.

j. Other:

Certified survey of site land division to be prepared; letter of credit or bond sufficient to cover cost of all improvements such as, landscaping, storm sewer, catch basins, \$500.00 sewer connection fee & drive approaches. Building permit to be issued after certified survey of land division and Conditional Grant documents have been recorded.

Issuance of Conditional Use Permit to be conditioned on prior execution and delivery to City of Cedarburg of Conditional Use Grant and Land Covenant.

Receipt of a True Copy of this
instrument on behalf of the Grantee
acknowledged the _____ day of
_____, 1985.

CONDITIONAL USE PERMIT AMENDMENT

Document Number

Permit No. 363841

Before the Plan Commission of the City of Cedarburg, Ozaukee County, Wisconsin,
in regard to Premises at W62 N174 Washington Avenue
in Township 10 North, Range 21 East, Ozaukee County, State of Wisconsin,
further described as follows:

218/525 152/375 151/404 136/614 139/317 138/221
PART LOT 4 BLK 3 COMM 800 FT N & 560 FT W OF SE COR SE SEC 34
TH NW 338 FT NE 150 FT SE 338 FT SW 150 FT POB 1.16 ACS
#1683 CSM LOT 2 VOL 13/9 ASSESSOR'S PLAT NO. 2

RECORDED

2003 APR -8 PM 4: 45

Randy M. Miller
REGISTER OF DEEDS
OZAUKEE COUNTY, WI

0

Name and Return Address

Sandra M. Ingram, City Clerk
City of Cedarburg
P.O. Box 49
Cedarburg, WI 53012-0049

\$13

13-051-03-04-023 *

Parcel Identification Number

Zoning Classification of the Premises is B-2 Community Business/Conditional UseMailing Address of the Premises is W62 N174 Washington Avenue

WHEREAS, the Zoning Code and Zoning District Map of the above named municipality, pursuant to State Statute, provide that the premises may not be used of right for the purpose hereinafter described but that upon petition such use may be approved by the municipality as a Conditional Use in particular circumstances as defined by the standards in the Zoning Ordinance; and

Petition therefore having been made, and public hearing held thereon, and the Plan Commission of the City of Cedarburg having determined that by reason of the particular nature, character, and circumstances of the proposed use, and of the specific and contemporary conditions, permit of such use upon the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance.

Now, therefore, it is **permitted**, subject to compliance with the terms and conditions hereinafter stated, that the Premises may be used for the purpose of: constructing an addition to the existing car wash facility

granted September 3, 1985 and recorded as Document No. 363841 Vol 536 Page 364

Permitted by action of the Plan Commission of the City of Cedarburg the 3rd day of March, 2003

Attest:

Randy M. Miller
Randy M. Miller, Secretary

James W. Coutts
James W. Coutts, Mayor

Original filed in the office of the City Clerk of the City of Cedarburg

Sandra M. Ingram
Sandra M. Ingram, City Clerk

The **CONDITIONS** of this Permit are:

1. This Permit shall become effective upon the execution and recording by the Owners of the Premises of an acceptance hereof in such form as to constitute an effective covenant running with the land.
2. This Permit shall be void unless proper application, pursuant to the building and zoning codes of the municipality, for appropriate Building, and Zoning Use and Occupancy Permits in conformity to this Permit, is made within 12 months of the date hereof.
3. This Permit is subject to amendment and termination in accordance with the provisions of the Zoning Code of this municipality.
4. Construction and operation of the use permitted shall be in strict conformity to the approved site, building and operation plans filed in connection with the Petition for this Permit and such plans are incorporated herein by reference as if set forth in detail herein.
5. Any of the conditions of this permit which would normally be the responsibility of tenants of the premises shall be made a part of their lease by the Owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof as may be necessary to carry out the provisions.
6. If this use is discontinued or terminated for a period of twelve (12) consecutive months, the conditional use permit shall automatically become null and void.

(CONTINUED ON FOLLOWING PAGE)

7. Conditions on the Operations

- a. Hours of operation: As set forth in the Code of Municipal Ordinance of the City of Cedarburg in effect in 1985.
- b. Performance standards relating to noise, vibration, odor, smoke or dust: As set forth in the Code of Municipal Ordinance of the City of Cedarburg in effect in 1985.
- c. Water supply requirements: As set forth in the Code of Municipal Ordinance of the City of Cedarburg in effect in 1985.
- d. Provisions for sewage disposal: As set forth in the Code of Municipal Ordinance of the City of Cedarburg in effect in 1985.
- e. Other: (1) Any substantiated material problems with noise, health, safety, etc. associated with the car wash facility shall be the responsibility of the owner to correct. Failure to correct the problem in a timely manner may result in the partial or complete revocation of this grant.

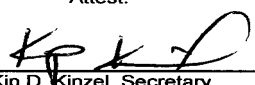
8. Conditions on Buildings

- a. Façade material of each building side: Matching exactly the material on the existing buildings as approved by the Plan Commission on March 3, 2003.
- b. Entrances, design, and location: As approved September 3, 1985 and March 3, 2003.
- c. Signs attached to the building, location, size, design (including lighting): Applications for sign permits to be submitted separately to the City of Cedarburg Design Review Board.
- d. Exterior lighting of the building: Subdued lighting to be used for exterior illumination as per plans approved September 5, 1985; and staff approval of exterior lights for 2003 addition.
- e. Other: Not Applicable.

9. Conditions on the Site

- a. Street access (number, location, design): As set forth on the site plan presented by the Grantee and approved by the City Plan Commission on September 3, 1985.
- b. Off-street parking (location and design including screening thereof): As set forth in the site plan presented by the Grantee and approved by the City Plan Commission on September 3, 1985.
- c. Loading and service areas (location and design): As set forth in the site plan presented by the Grantee and approved by the City Plan Commission on September 3, 1985.
- d. Outside storage of materials, products, or refuse (location and screening thereof): No outdoor vending and ice machines and no outside storage of materials, products or refuse allowed.
- e. Finished topography and building grades, retaining walls, stormwater runoff: Engineering Department review and approval of the grading, drainage, stormwater management, and the erosion control plans.
- f. Landscaping of the site and buildings (including plant types, size, spacing): Staff approval of a landscaping plan, which will serve to introduce appropriate plantings along the north and south property lines, and to clean up the east open area as required by the Plan Commission approval March 3, 2003.
- g. Pedestrian walkways, terraces, malls (location and design): As set forth in the approved, stamped site plan presented by the Grantee and approved by the City Plan Commission on September 3, 1985.
- h. Signs (free standing) location, size, design (including lighting): Signs to be applied for separately and no sign approved as part of Conditional Use Grant.
- i. Exterior lighting of the site, location design and power: High pressure sodium subdued lighting to be used for exterior illumination (1985). Staff approval of the exterior lights (2003).
- j. Other: Verification that the heated cemented aprons are permitted by State Building Code.

Receipt of a True Copy of this instrument on behalf of the petitioner
acknowledged the _____ day of _____

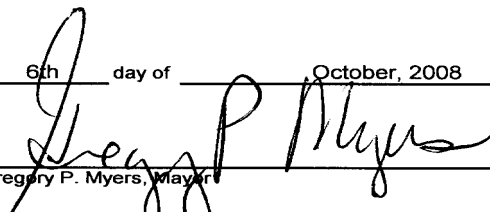
CONDITIONAL USE PERMIT AMENDMENT NO. 2	
Document Number	Permit No. <u>363841</u>
Before the Plan Commission of the City of Cedarburg, Ozaukee County, Wisconsin, in regard to Premises a <u>W62 N174 Washington Avenue</u> in Township 10 North, Range 21 East, Ozaukee County, State of Wisconsin, further described as follows: 218/525 152/375 151/404 136/614 139/317 138/221 PART LOT 4 BLK 3 COMM 800 FT N & 560 FT W OF SE COR SE SEC 34 TH NW 338 FT NE 150 FT SE 338 FT SW 150 FT POB 1.16 ACS #1683 CSM LOT 2 VOL 13/9 ASSESSOR'S PLAT NO. 2	
Zoning Classification of the Premises is <u>B-2 Community Business/Conditional Use</u> Mailing Address of the Premises is <u>W62 N174 Washington Avenue</u> This Conditional Use Amendment shall serve to amend the original Conditional Use Grant Document recorded as Document No. 363841, in Volume 536, on pages 364-367 inclusive, in the Ozaukee County Register of Deeds office on September 20, 1985; and the subsequent Conditional Use Grant Document recorded as Document No. 748725, in Volume 1674, on pages 623 & 624, in the Ozaukee County Register of Deeds office on April 8, 2003 as follows: - Item 8.a. of the original documents shall now read "Conditions on Buildings, facade material of each building side: Matching existing material as per Exhibit A." - Item 9.a. of the original documents shall now read "Street access: As per Exhibit B." - Item 9.i. of the original documents shall now read "Exterior lighting of the site: As previously approved on March 3, 2003 and as per Exhibit C (canopy lighting)." - Item 8.e. of the original conditional use documents shall now read "Other: The canopy shall be constructed as per Exhibit A." - The building addition approved on October 6, 2008 as shown on Exhibit A shall be constructed by October 6, 2009 or that approval is void. Permitted by action of the Plan Commission of the City of Cedarburg the <u>6th</u> day of <u>October</u>, 2008 Attest:  Kip D. Kinzel, Secretary Original filed in the office of the City Clerk of the City of Cedarburg	

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RONALD A. VOIGT
OZAUKEE COUNTY
REGISTER OF DEEDS
PORT WASHINGTON, WI
TXID: 78430
RECORDED ON
10/22/2008 10:29AM
REC FEE: 19.00
TRANS FEE: 0.00
PAGES: 5
EXEMPT #: 0

Name and Return Address
Constance K. McHugh, City Clerk City of Cedarburg P.O. Box 49 Cedarburg, WI 53012-0049

\$19

13-051-03-04-023 *
Parcel Identification Number


Gregory P. Myers, Mayor

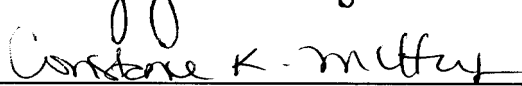
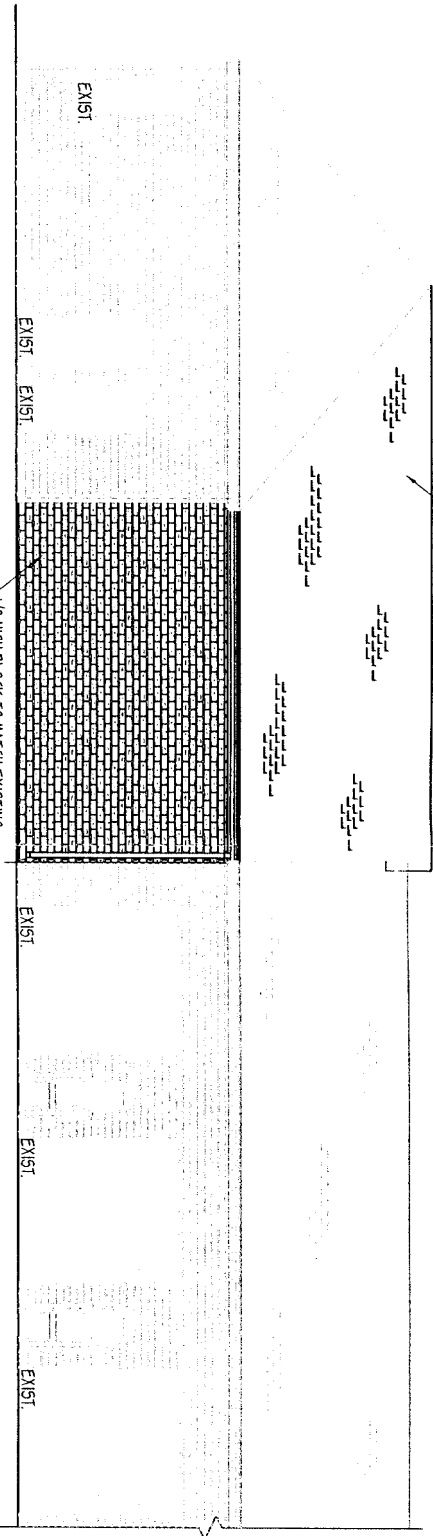

Constance K. McHugh, City Clerk

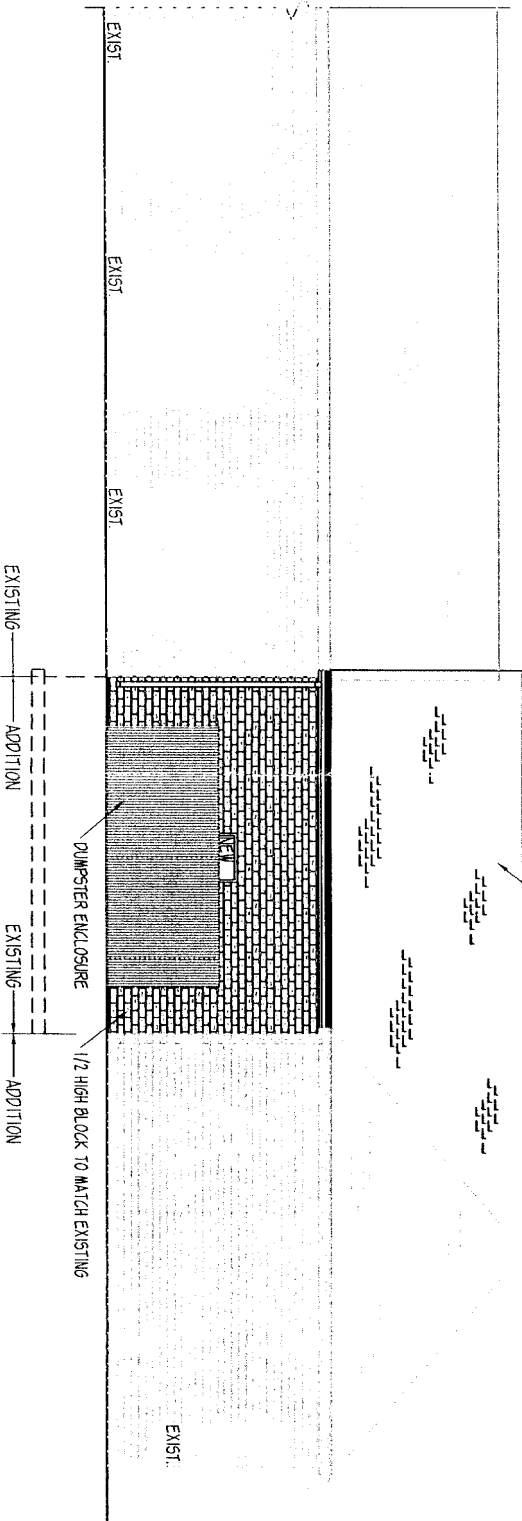
EXHIBIT "A"

PHASE 2



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



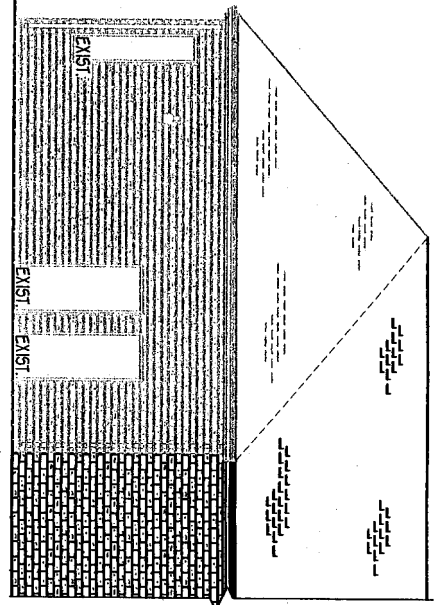
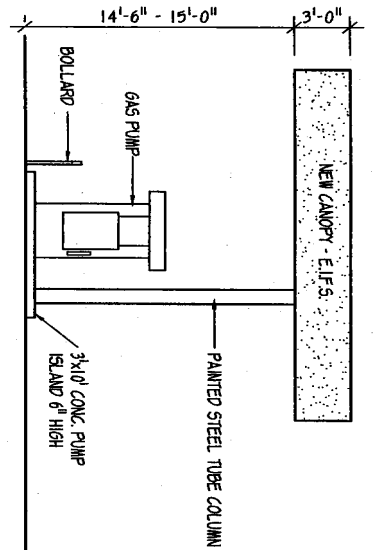
NORTH ELEVATION

SCALE: 1/8" = 1'-0"

A-2	JOB NUMBER GAU-2158-808	NEW HORIZON VENTURES, L.L.C. ARCHITECTURAL PLANNERS P.O. BOX 292, GRAFTON, WI 53024 http://www.nhv-arch.com/ 262-377-4730 or 262-376-5397	PROJECT ADDITION FOR CITGO SUPER SALES W 64 N 174 WASHINGTON AVE.
	DATE 9 / 3 / 2008		
CHECKED BY: D.B.	REVISIONS:		
DRAWN BY: CLM/TK			

EXHIBIT "A"

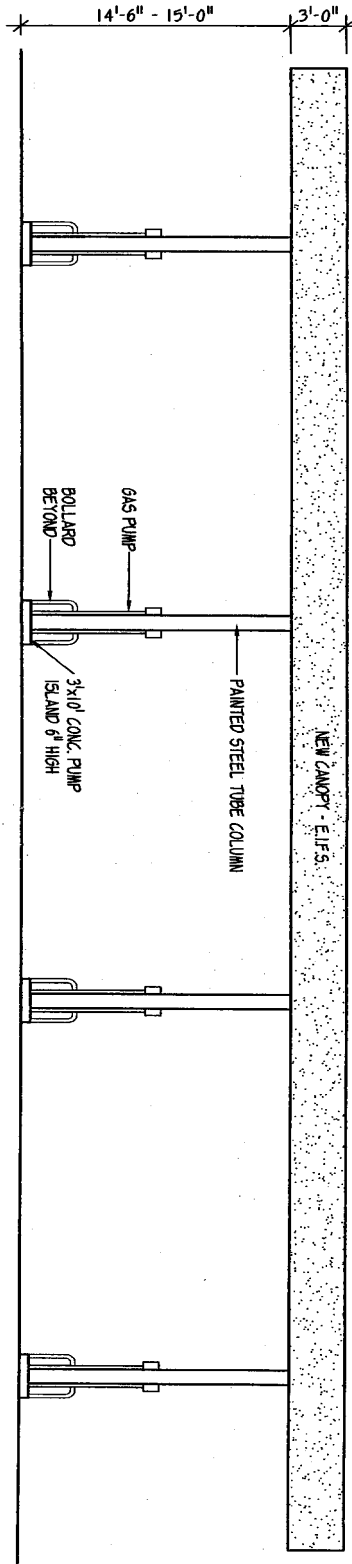
PHASE 1



EXISTING ——— ADDITION

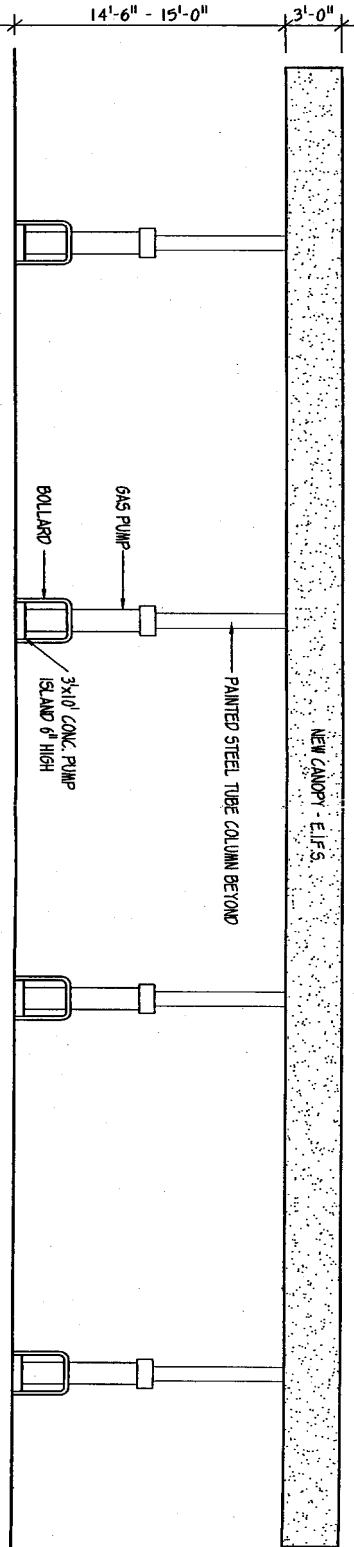
CANOPY SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



CANOPY EAST ELEVATION

SCALE: 1/4" = 1'-0"

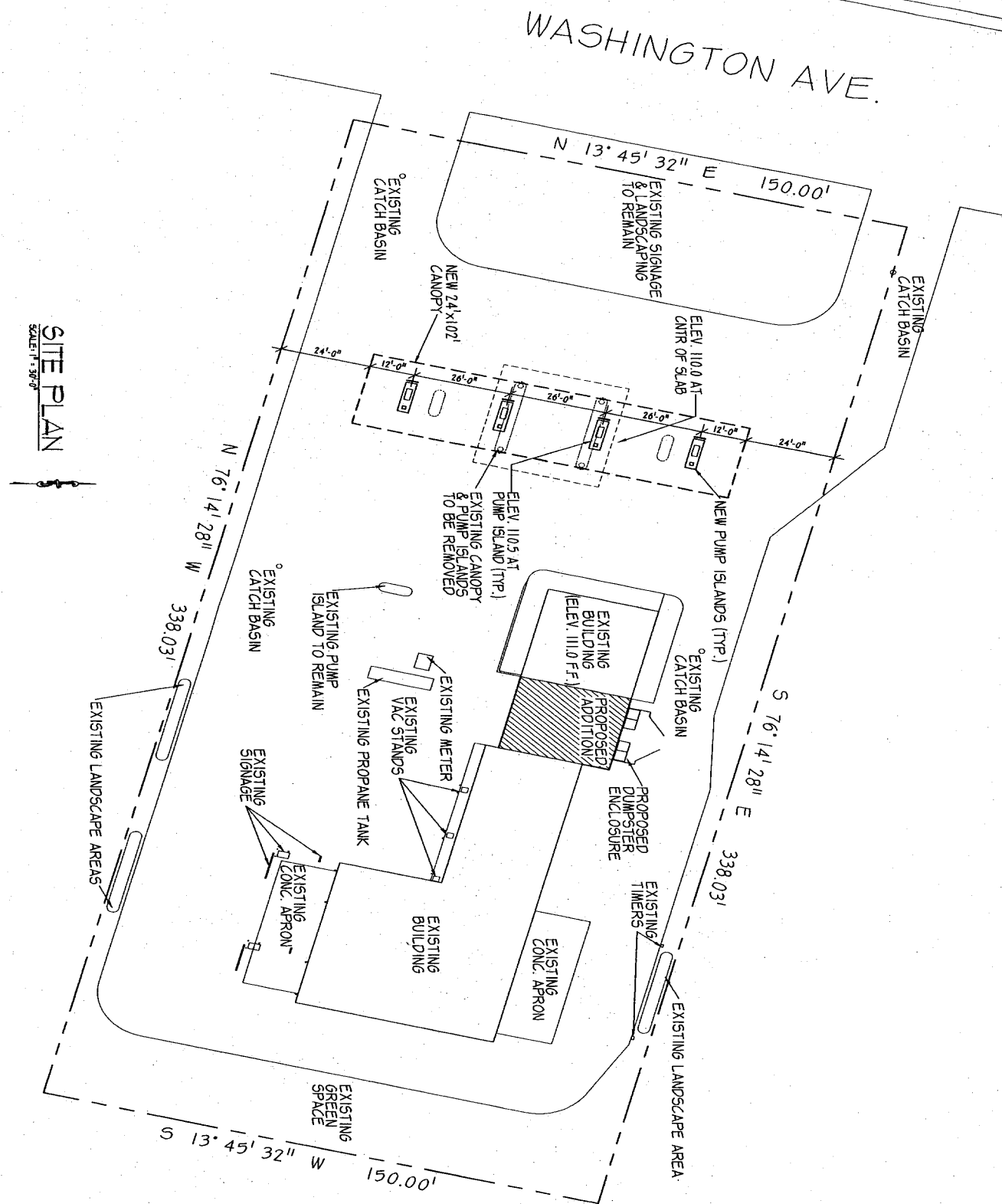


CANOPY WEST ELEVATION

SCALE: 1/4" = 1'-0"

NOTE: COLUMN & CANOPY
ENGINEERING BY CANOPY SUPPLIER.

41 CHECKED BY: CUB DRAWN BY:	JOB NUMBER: GAU-258-808 DATE: 9/3/2008 REVISIONS:	NEW HORIZON VENTURES, L.L.C. ARCHITECTS/PLANNERS P.O. BOX 898, GRAFTON, WI 53024 http://www.nhv-arch.com/	PROJECT ADDITION FOR: CITGO SUPER SALES 51 64 N 174 WASHINGTON AVE.
	DATE: 9/3/2008		



SITE PLAN

SCALE: 1" = 30'-0"

SP-1	JOB NUMBER	GAU-2188-808	PROJECT
	DATE	9 / 3 / 2008	
CHECKED BY:	REVISIONS		
DW			
DRAWN BY:			
CLM/KK			

NEW HORIZON VENTURES, L.L.C.
ARCHITECTS/PLANNERS

P.O. BOX 892, GRAFTON, WI 53024
http://www.nhv-arch.com/
262-377-4730 or 262-375-2397

9/15/2008 9:45:12 AM

b.1 b.1 b.1 b.1 b.1 b.1

b.1 b.2 b.2 b.1 b.1

b.1 b.1 b.2 b.3 b.6 b.8 b.9 b.7 b.4 b.2 b.3

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1. The first group of students (Group A) was assigned to read the text and identify the main idea of the passage. They were then asked to write a short paragraph summarizing the text in their own words.

100

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Figure 1. The effect of the concentration of the solution on the adsorption of the dye. The concentration of the solution was 0.01, 0.02, 0.03, 0.04, 0.05, 0.06, 0.07, 0.08, 0.09, 0.1, 0.2, 0.3, 0.4, 0.5, 0.6, 0.7, 0.8, 0.9, 1.0, 1.5, 2.0, 3.0, 4.0, 5.0, 6.0, 7.0, 8.0, 9.0, 10.0, 15.0, 20.0, 30.0, 40.0, 50.0, 60.0, 70.0, 80.0, 90.0, 100.0, 150.0, 200.0, 300.0, 400.0, 500.0, 600.0, 700.0, 800.0, 900.0, 1000.0, 1500.0, 2000.0, 3000.0, 4000.0, 5000.0, 6000.0, 7000.0, 8000.0, 9000.0, 10000.0, 15000.0, 20000.0, 30000.0, 40000.0, 50000.0, 60000.0, 70000.0, 80000.0, 90000.0, 100000.0, 150000.0, 200000.0, 300000.0, 400000.0, 500000.0, 600000.0, 700000.0, 800000.0, 900000.0, 1000000.0, 1500000.0, 2000000.0, 3000000.0, 4000000.0, 5000000.0, 6000000.0, 7000000.0, 8000000.0, 9000000.0, 10000000.0, 15000000.0, 20000000.0, 30000000.0, 40000000.0, 50000000.0, 60000000.0, 70000000.0, 80000000.0, 90000000.0, 100000000.0, 150000000.0, 200000000.0, 300000000.0, 400000000.0, 500000000.0, 600000000.0, 700000000.0, 800000000.0, 900000000.0, 1000000000.0, 1500000000.0, 2000000000.0, 3000000000.0, 4000000000.0, 5000000000.0, 6000000000.0, 7000000000.0, 8000000000.0, 9000000000.0, 10000000000.0, 15000000000.0, 20000000000.0, 30000000000.0, 40000000000.0, 50000000000.0, 60000000000.0, 70000000000.0, 80000000000.0, 90000000000.0, 100000000000.0, 150000000000.0, 200000000000.0, 300000000000.0, 400000000000.0, 500000000000.0, 600000000000.0, 700000000000.0, 800000000000.0, 900000000000.0, 1000000000000.0, 1500000000000.0, 2000000000000.0, 3000000000000.0, 4000000000000.0, 5000000000000.0, 6000000000000.0, 7000000000000.0, 8000000000000.0, 9000000000000.0, 10000000000000.0, 15000000000000.0, 20000000000000.0, 30000000000000.0, 40000000000000.0, 50000000000000.0, 60000000000000.0, 70000000000000.0, 80000000000000.0, 90000000000000.0, 100000000000000.0, 150000000000000.0, 200000000000000.0, 300000000000000.0, 400000000000000.0, 500000000000000.0, 600000000000000.0, 700000000000000.0, 800000000000000.0, 900000000000000.0, 1000000000000000.0, 1500000000000000.0, 2000000000000000.0, 3000000000000000.0, 4000000000000000.0, 5000000000000000.0, 6000000000000000.0, 7000000000000000.0, 8000000000000000.0, 9000000000000000.0, 10000000000000000.0, 15000000000000000.0, 20000000000000000.0, 30000000000000000.0, 40000000000000000.0, 50000000000000000.0, 60000000000000000.0, 70000000000000000.0, 80000000000000000.0, 90000000000000000.0, 100000000000000000.0, 150000000000000000.0, 200000000000000000.0, 300000000000000000.0, 400000000000000000.0, 500000000000000000.0, 600000000000000000.0, 700000000000000000.0, 800000000000000000.0, 900000000000000000.0, 1000000000000000000.0, 1500000000000000000.0, 2000000000000000000.0, 3000000000000000000.0, 4000000000000000000.0, 5000000000000000000.0, 6000000000000000000.0, 7000000000000000000.0, 8000000000000000000.0, 9000000000000000000.0, 10000000000000000000.0, 15000000000000000000.0, 20000000000000000000.0, 30000000000000000000.0, 40000000000000000000.0, 50000000000000000000.0, 60000000000000000000.0, 70000000000000000000.0, 80000000000000000000.0, 90000000000000000000.0, 100000000000000000000.0, 150000000000000000000.0, 200000000000000000000.0, 300000000000000000000.0, 400000000000000000000.0, 500000000000000000000.0, 600000000000000000000.0, 700000000000000000000.0, 800000000000000000000.0, 900000000000000000000.0, 1000000000000000000000.0, 1500000000000000000000.0, 2000000000000000000000.0, 3000000000000000000000.0, 4000000000000000000000.0, 5000000000000000000000.0, 6000000000000000000000.0, 7000000000000000000000.0, 8000000000000000000000.0, 9000000000000000000000.0, 10000000000000000000000.0, 15000000000000000000000.0, 20000000000000000000000.0, 30000000000000000000000.0, 40000000000000000000000.0, 50000000000000000000000.0, 60000000000000000000000.0, 70000000000000000000000.0, 80000000000000000000000.0, 90000000000000000000000.0, 100000000000000000000000.0, 150000000000000000000000.0, 200000000000000000000000.0, 300000000000000000000000.0, 400000000000000000000000.0, 500000000000000000000000.0, 600000000000000000000000.0, 700000000000000000000000.0, 800000000000000000000000.0, 900000000000000000000000.0, 10000000

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0.6	0.4

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Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100																																																																																																																																																																																								
Population	10.0	10.1	10.2	10.3	10.4	10.5	10.6	10.7	10.8	10.9	11.0	11.1	11.2	11.3	11.4	11.5	11.6	11.7	11.8	11.9	12.0	12.1	12.2	12.3	12.4	12.5	12.6	12.7	12.8	12.9	13.0	13.1	13.2	13.3	13.4	13.5	13.6	13.7	13.8	13.9	14.0	14.1	14.2	14.3	14.4	14.5	14.6	14.7	14.8	14.9	15.0	15.1	15.2	15.3	15.4	15.5	15.6	15.7	15.8	15.9	16.0	16.1	16.2	16.3	16.4	16.5	16.6	16.7	16.8	16.9	17.0	17.1	17.2	17.3	17.4	17.5	17.6	17.7	17.8	17.9	18.0	18.1	18.2	18.3	18.4	18.5	18.6	18.7	18.8	18.9	19.0	19.1	19.2	19.3	19.4	19.5	19.6	19.7	19.8	19.9	20.0	20.1	20.2	20.3	20.4	20.5	20.6	20.7	20.8	20.9	21.0	21.1	21.2	21.3	21.4	21.5	21.6	21.7	21.8	21.9	22.0	22.1	22.2	22.3	22.4	22.5	22.6	22.7	22.8	22.9	23.0	23.1	23.2	23.3	23.4	23.5	23.6	23.7	23.8	23.9	24.0	24.1	24.2	24.3	24.4	24.5	24.6	24.7	24.8	24.9	25.0	25.1	25.2	25.3	25.4	25.5	25.6	25.7	25.8	25.9	26.0	26.1	26.2	26.3	26.4	26.5	26.6	26.7	26.8	26.9	27.0	27.1	27.2	27.3	27.4	27.5	27.6	27.7	27.8	27.9	28.0	28.1	28.2	28.3	28.4	28.5	28.6	28.7	28.8	28.9	29.0	29.1	29.2	29.3	29.4	29.5	29.6	29.7	29.8	29.9	30.0	30.1	30.2	30.3	30.4	30.5	30.6	30.7	30.8	30.9	31.0	31.1	31.2	31.3	31.4	31.5	31.6	31.7	31.8	31.9	32.0	32.1	32.2	32.3	32.4	32.5	32.6	32.7	32.8	32.9	33.0	33.1	33.2	33.3	33.4	33.5	33.6	33.7	33.8	33.9	34.0	34.1	34.2	34.3	34.4	34.5	34.6	34.7	34.8	34.9	35.0	35.1	35.2	35.3	35.4	35.5	35.6	35.7	35.8	35.9	36.0	36.1	36.2	36.3	36.4	36.5	36.6	36.7	36.8	36.9	37.0	37.1	37.2	37.3	37.4	37.5	37.6	37.7	37.8	37.9	38.0	38.1	38.2	38.3	38.4	38.5	38.6	38.7	38.8	38.9	39.0	39.1	39.2	39.3	39.4

Year	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100																																																																																																																																							
Population	1.1	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	2.0	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	3.0	3.1	3.2	3.3	3.4	3.5	3.6	3.7	3.8	3.9	4.0	4.1	4.2	4.3	4.4	4.5	4.6	4.7	4.8	4.9	5.0	5.1	5.2	5.3	5.4	5.5	5.6	5.7	5.8	5.9	6.0	6.1	6.2	6.3	6.4	6.5	6.6	6.7	6.8	6.9	7.0	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	8.0	8.1	8.2	8.3	8.4	8.5	8.6	8.7	8.8	8.9	9.0	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9	10.0	10.1	10.2	10.3	10.4	10.5	10.6	10.7	10.8	10.9	11.0	11.1	11.2	11.3	11.4	11.5	11.6	11.7	11.8	11.9	12.0	12.1	12.2	12.3	12.4	12.5	12.6	12.7	12.8	12.9	13.0	13.1	13.2	13.3	13.4	13.5	13.6	13.7	13.8	13.9	14.0	14.1	14.2	14.3	14.4	14.5	14.6	14.7	14.8	14.9	15.0	15.1	15.2	15.3	15.4	15.5	15.6	15.7	15.8	15.9	16.0	16.1	16.2	16.3	16.4	16.5	16.6	16.7	16.8	16.9	17.0	17.1	17.2	17.3	17.4	17.5	17.6	17.7	17.8	17.9	18.0	18.1	18.2	18.3	18.4	18.5	18.6	18.7	18.8	18.9	19.0	19.1	19.2	19.3	19.4	19.5	19.6	19.7	19.8	19.9	20.0	20.1	20.2	20.3	20.4	20.5	20.6	20.7	20.8	20.9	21.0	21.1	21.2	21.3	21.4	21.5	21.6	21.7	21.8	21.9	22.0	22.1	22.2	22.3	22.4	22.5	22.6	22.7	22.8	22.9	23.0	23.1	23.2	23.3	23.4	23.5	23.6	23.7	23.8	23.9	24.0	24.1	24.2	24.3	24.4	24.5	24.6	24.7	24.8	24.9	25.0	25.1	25.2	25.3	25.4	25.5	25.6	25.7	25.8	25.9	26.0	26.1	26.2	26.3	26.4	26.5	26.6	26.7	26.8	26.9	27.0	27.1	27.2	27.3	27.4	27.5	27.6	27.7	27.8	27.9	28.0	28.1	28.2	28.3	28.4	28.

Year	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100																																																																																																																												
Population	10.0	10.1	10.2	10.3	10.4	10.5	10.6	10.7	10.8	10.9	11.0	11.1	11.2	11.3	11.4	11.5	11.6	11.7	11.8	11.9	12.0	12.1	12.2	12.3	12.4	12.5	12.6	12.7	12.8	12.9	13.0	13.1	13.2	13.3	13.4	13.5	13.6	13.7	13.8	13.9	14.0	14.1	14.2	14.3	14.4	14.5	14.6	14.7	14.8	14.9	15.0	15.1	15.2	15.3	15.4	15.5	15.6	15.7	15.8	15.9	16.0	16.1	16.2	16.3	16.4	16.5	16.6	16.7	16.8	16.9	17.0	17.1	17.2	17.3	17.4	17.5	17.6	17.7	17.8	17.9	18.0	18.1	18.2	18.3	18.4	18.5	18.6	18.7	18.8	18.9	19.0	19.1	19.2	19.3	19.4	19.5	19.6	19.7	19.8	19.9	20.0	20.1	20.2	20.3	20.4	20.5	20.6	20.7	20.8	20.9	21.0	21.1	21.2	21.3	21.4	21.5	21.6	21.7	21.8	21.9	22.0	22.1	22.2	22.3	22.4	22.5	22.6	22.7	22.8	22.9	23.0	23.1	23.2	23.3	23.4	23.5	23.6	23.7	23.8	23.9	24.0	24.1	24.2	24.3	24.4	24.5	24.6	24.7	24.8	24.9	25.0	25.1	25.2	25.3	25.4	25.5	25.6	25.7	25.8	25.9	26.0	26.1	26.2	26.3	26.4	26.5	26.6	26.7	26.8	26.9	27.0	27.1	27.2	27.3	27.4	27.5	27.6	27.7	27.8	27.9	28.0	28.1	28.2	28.3	28.4	28.5	28.6	28.7	28.8	28.9	29.0	29.1	29.2	29.3	29.4	29.5	29.6	29.7	29.8	29.9	30.0	30.1	30.2	30.3	30.4	30.5	30.6	30.7	30.8	30.9	31.0	31.1	31.2	31.3	31.4	31.5	31.6	31.7	31.8	31.9	32.0	32.1	32.2	32.3	32.4	32.5	32.6	32.7	32.8	32.9	33.0	33.1	33.2	33.3	33.4	33.5	33.6	33.7	33.8	33.9	34.0	34.1	34.2	34.3	34.4	34.5	34.6	34.7	34.8	34.9	35.0	35.1	35.2	35.3	35.4	35.5	35.6	35.7	35.8	35.9	36.0	36.1	36.2	36.3	36.4

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BETA LIGHTING

known to John L. Latham, who is associated with Latham's independent research, and Latham's research was not published until 1994. Latham's research was not published until 1994.

was there a "big" jump up in the average budget in 1997? **Yes** or **No**? *If selected, please list the number of years (1-5).*

PLANNERS REPORT

To: City of Cedarburg Plan Commission

By: Mary Censky

Date: September 4, 2024

General Information:

Agenda Item: 6.B.

Applicant:

Sierzant in c/o Seth Dehne

Property Owner:

Mofro LLC

Requested Action:

Review and approval of Conditional Use Permit for bar use including outdoor seating/consumption, outdoor recreation and outdoor entertainment.

Current Zoning:

B-2 Community Business District.

Current Master Plan Classification:

Commercial

Surrounding Zoning/Land Use:

North: M-1 Limited Manufacturing District
South: Rs-1 Single-Family Residential District
East: Rs-1 Single-Family Residential District
West: M-1 Limited Manufacturing District

Lot Size:

~ .99 acres (43,124 sq. ft.)

Location:

N49 W5471 Portland Road

Discussion:

The applicant seeks Conditional Use Permit (CUP) approval to continue the preexisting bar use (with accessory rental apartment on the non-ground level) and including outdoor seating consumption space, outdoor recreation use and outdoor entertainment.

Section 13-1-54(d) of the Code lists

- Indoor or outdoor recreational and entertainment facilities; and
- Bars, cocktail lounges and taverns.

as Conditional Uses in the B-2 Community Business District.

The use “Outdoor dining and non-alcohol beverage service.”, is listed as an accessory use that may be allowed in the B-3 Central Business District with the following “(Note: Outdoor alcohol beverage services require a premises license approved by the common council)”. The use “Outdoor dining and non-alcohol beverage service.” is not listed as a permitted, accessory or conditional use in any other business zoning district in the City.

It appears that the previous owner/operator of this property/use did have some form of a permission for a small (+/- 1,185 sq. ft.) fenced outdoor seating area adjacent to the south edge of the concrete patio/bar entry area (see aerial photo image below). Noteworthy, this permission did not appear to include any outdoor lighting, outdoor amplified sound or music, or an outdoor bar.

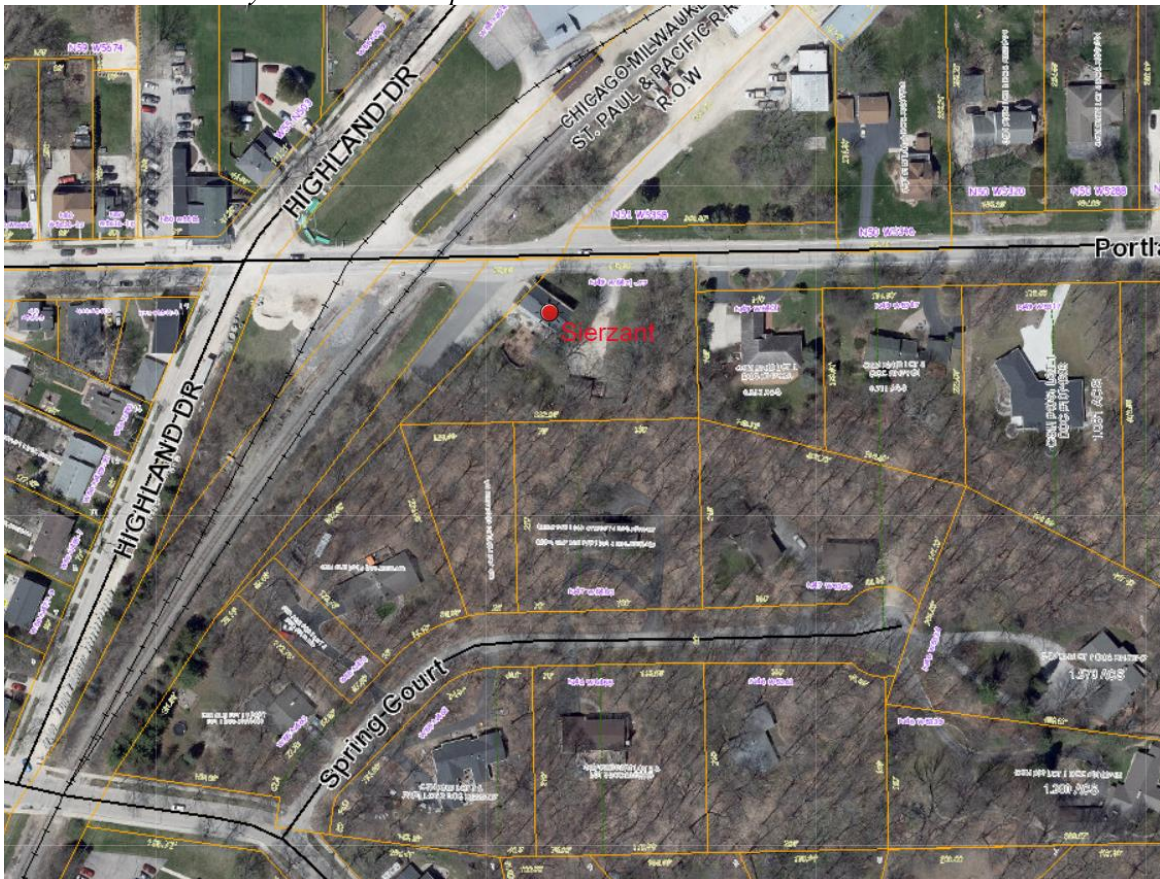
If the Plan Commission believes that the preexisting outdoor seating area operated by the previous owner has legal nonconforming status, then the Commission may determine to permit, within the CUP approval, resumed use of that same area for outdoor seating under the new ownership – subject to whatever conditions the Plan Commission feels would be appropriate. Please note that the old fencing that used to surround the old outdoor seating area has now been removed from the site, so the area is no longer screened or contained in any way at this time.

If the Plan Commission and Common Council desire to consider permitting a new or expanded area for outdoor seating at this site, the Code must first be amended to list that use as either a permitted, accessory or conditional use in the B-2 District. Once the Code is so amended, then the applicant could return with his request for new or expanded outdoor seating space at this site. (Note: In 2023 the Plan Commission worked on reviewing the entire Zoning Code and preparing a comprehensive set of recommended changes. Adding the use “Outdoor beer gardens and food service areas” as a prospective conditional use that could be allowed in the B-2 District, is among them).

Limited information is provided at this time to define the precise physical limits of the proposed alcohol consumption areas on a scaled site plan. There does not appear to be a clear plan for the installation of a perimeter containment boundary – typically fencing of some sort, around the consumption area. Detailed information about the proposed outdoor recreation uses, outdoor lighting, fencing, parking plan, dumpster enclosure plan, hours of operation as to the indoor and outdoor uses, complete descriptions of the outdoor entertainment,...is lacking in the applicants submittal. The actual distance to the lot lines

for certain of the proposed new outdoor features on the site are not clear. No landscaping plan has been provided.

2022 Ozaukee County GIS Aerial Map View – Sierzant Site



2022 Ozaukee County GIS Aerial Map View – Sierzant Site Zoom



Recommendation:

The Planner recommends the following conditions be considered for attachment to any approval the Planning Commission may be inclined to grant in this matter:

- 1) Use of the indoor spaces for bar and non-ground level apartment are approved subject to issuance of an occupancy permit by the Building Inspector and a liquor license from the Clerk. *Note: If the non-ground level apartment is short-term rental, the applicant is reminded that room tax payments to the City are required.*
- 2) Use of the outdoor spaces are not permitted until full site plan details as specified in [Section 13-1-124 of the Code](#) are submitted, on deadline, for review and approval by the Plan Commission at a future meeting.

PLAN COMMISSION**PLN20060501-1
UNAPPROVED MINUTES****May 1, 2006**

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, May 1, 2006 at Cedarburg City Hall, W63 N645 Washington Avenue, in the Council Chambers. The meeting was called to order at 7:00 p.m. by Mayor Gregory Myers.

Roll Call: Present - Mayor Gregory Myers, Council Member Sandra Beck, Mark Burgoyne, Brook Brown, Joe Emmerich, Keith Kaiman; Park & Forestry Chairperson James Schara

Also Present - City Attorney Kaye Vance; City Planner Jon Censky; Administrative Secretary Darla Drumel; interested citizens

STATEMENT OF PUBLIC NOTICE

Administrative Secretary Drumel confirmed that the agenda for the meeting had been posted and distributed in compliance with the Wisconsin Open Meetings Law.

APPROVAL OF MINUTES

Council Member Beck moved to approve the minutes of the April 3, 2006 Plan Commission meeting. Vice Chairperson Burgoyne seconded the motion and it carried without a negative vote.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Phillip Schmidt, a longtime resident of the Cedarburg area and owner of three historic properties in the downtown, spoke against the proposal to change the status of office uses in downtown Cedarburg. He provided a list of 34 office properties that had recently been converted to retail spaces in the last couple of decades. He was reacting to a newspaper article of a proposal to modify the zoning in downtown Cedarburg to prohibit office use of store fronts in favor of retail. Mr. Schmidt advised that he was somewhat offended when his investment firm in the building with the word "Bank" on the street façade and historically used as a financial institution, was used as an example in the article. He pointed out that he had converted two downtown buildings from office to retail uses and that more buildings have been converted to retail uses than lost to office space.

Mr. Schmidt thought that the few vacancies did not represent a major trend away from retail. Most landowners would prefer to lease to retail tenants at \$12/square foot, rather than office at \$8/square foot. It appeared to him that the room tax was not being utilized to promote the downtown and believed the downtown would benefit from a marketing organization such as the former "Forward Cedarburg." He added that Mr. Wernecke did not hear from any representative of the City when he was considering moving Cedarburg Lumber, a \$45 million business with 161 employees and providing \$70,000 a month to the area gas stations with their fleet of 12 trucks. The space vacated by Cedarburg Lumber was an opportunity to attract more retail that might have been aided by a "Forward Cedarburg."

 **BEER GARDEN LICENSE REQUEST FOR ERNIE'S WINE BAR, LLC LOCATED AT N49 W5471
PORTLAND ROAD - BEN GRADE**

Mayor Myers announced the agenda item and reminded Plan Commissioners that the discussion was to be strictly limited to the fencing of the proposed beer garden, which was what the Common Council referred back to the Plan Commission. He requested a motion to take the item off the table.

Action:

A motion was made by Council Member Beck, seconded by Commissioner Schara, to take the item off the table. The motion carried with Mayor Myers, Council Member Beck, Vice Chairperson Burgoyne and Commissioners Emmerich, Kaiman and Schara voting in favor and Commissioner Brown voting against.

Discussion:

Planner Censky reminded Commissioners that the request for a fence to provide control over the operation of a proposed beer garden at Ernie's Wine Bar was tabled at the April meeting pending Council review of the beer garden license. Following the April 10, 2006 informational meeting, the Common Council also decided to table the request and asked that the applicant meet with the neighbors to win their support. The Council did indicate that the Plan Commission should not wait for them to approve the license but rather they should take up the issue of the fence now. The Council also noted that their recommendation would not have any bearing on the decision of whether or not to issue a beer garden license to Mr. Grade.

Planner Censky continued that since the Council meeting, Ben Grade met with the neighbors who indicated that they would like the following conditions placed on the beer garden:

- There shall be no use of the outdoor beer garden after 9:00 P.M.
- The outdoor beer garden shall be no larger than 900 square feet.
- Fencing along the south side of the beer garden shall be at least 7 feet high. The other sides may be lower.
- Location of the beer garden shall be off the northwest corner of the building.

Planner Censky advised that, while willing to work with the neighbors on some of their issues, Mr. Grade felt that certain stipulations were not workable. In an attempt to compromise, he revised his plans to reduce the size of the beer garden but he felt that relocating it to the area off the northwest corner of the building was impractical because of conflicts with traffic circulation and parking. Furthermore, he proposes a stockade fence at a height of 7 feet along the south side of the beer garden, which transitions to the lower more decorative picket fence along the east and west sides heading north. Mr. Grade agreed to the condition that the beer garden be open no later than 9:00 p.m. but asked that it be limited to Sunday through Thursday, and that he be allowed to be open until 10:00 p.m. on Friday and Saturday. Planner Censky noted that while these are issues that the Common Council will be considering, the summary of changes is appropriate for Commissioners to gain a full understanding of the request in considering the fence.

Planner Censky explained that Section 7-2-17(b) of the Licensing and Regulations Code stipulates that beer gardens are limited to an area no greater than 50% of the licensed premise and shall be located no closer than 100 feet to a residential structure. Fencing or other measures needed to provide control over the operation of the beer garden shall be approved by the Chief of Police and the Plan Commission. Also, no amplified sound or music is permitted in the beer garden. His review of the request indicates compliance with the required separation distance from a residential structure and the size restriction.

Council Member Beck advised that she was rather dismayed to see that Mr. Grade had not complied with the agreements made with the neighbors. The Common Council, she noted, did more than direct the Plan Commission to talk about the fence; they directed both the neighbors and the owner to work together on the proposal to see if each could make concessions to make the beer garden acceptable. Council Member Beck stated that there were several well-attended meetings with the owner, and the neighbors gave a huge concession by agreeing to a beer garden if the building would be between them and the beer garden. She provided a site plan that she and the

neighbors had thought had been agreed upon by the owner that included locating the garden on the northwest side of the building, having the fence that faces the neighbors' bedrooms to be 7-feet tall and limiting the size of the beer garden to 900 square feet. If those items were part of the beer garden license approval, she thought that the neighbors could concede to the hours of operation requested by Mr. Grade.

Action:

Council Member Beck moved to approve the beer garden plan requested for Ernie's Wine Bar at N49 W5471 Portland Road provided it is located off northwest corner of the building and attached to the building, fencing along the south side of the beer garden is at least 7-feet high though the other sides may be lower, and that there shall be no use of the outdoor beer garden on Sunday through Thursday after 9:00 p.m. and 10:00 p.m. Friday and Saturday. Mayor Myers seconded the motion.

Continued Discussion

Council Member Beck felt that the action would be the best way to protect the neighbors, while being a good solution for Mr. Grade. She also questioned comments made by the owner that the beer garden was about food and his culinary expertise but there is no kitchen in the building.

Commissioner Emmerich stated that the plan presented by the neighbors would be the only one he would consider approving. Generally speaking, he had a difficult time getting a comfort level considering there is no kitchen and there is talk about food.

Mayor Myers reminded Commissioners that the discussion was to be limited to the fencing.

In response to Commissioner Brown's query regarding the plans before them, Planner Censky noted that the shed on the plans was an existing structure that he believed would remain on the site.

Council Member Beck asked if her motion carried, if the recommendation would be forwarded to the Common Council with the inclusion that the beer garden be located at the northwest corner of the building. Mayor Myers responded that the Common Council would determine where the beer garden would be located.

Commissioner Brown believed the process that the Plan Commission approves a fence when its location has not yet been determined is backwards and was ludicrous. He suggested that the Plan Commission table the item until the Common Council made its decision on whether or not the beer garden license would be granted.

City Attorney Vance advised that the Plan Commission could make a recommendation, but the decision would be made by the Common Council. It was in the purview of the Plan Commission to talk about the design and location of the fence. If the Common Council chose to disregard the recommendation, its decision would be final and it would not be resubmitted to the Plan Commission. Upon reading the Code, City Attorney Vance noted that the Plan Commission was to "review the nature of the fencing," which could arguably be the location and establishing criteria.

Call the Question:

A motion was made by Vice Chairperson Burgoyne to call the question. The motion was seconded by Commissioner Kaiman and carried without a negative vote.

Final Action:

Council Member Beck's motion carried without a negative vote.

City Attorney Vance stated that the phrase "nature of the fencing" could include location. Council Member Beck directed that the motion include the recommendations were based on the nature of the fencing.

Council Member Beck advised the audience that the beer garden license request would be taken up by the Common Council on Monday, May 8, 2006.

CERTIFICATE OF APPROPRIATENESS FOR EXTERIOR MODIFICATIONS TO THE EXISTING BUILDING LOCATED AT W61 N512 WASHINGTON AVENUE – SID PROM

Planner Censky recalled that Sid Prom was preparing the building for his insurance office and previously received approval for the following:

- Remove the existing cedar siding material on the front extension to expose the existing brick columns and stone base.
- Remove the side door and porch and replace with windows.
- Install windows on the south elevation in accordance with the plan.
- Replace the existing upper windows on the west elevation with new wood double-hung windows with simulated divided light.

Planner Censky advised that Mr. Prom had attended the April 27 Landmarks Commission meeting to request authorization to change the façade that faces Washington Avenue by replacing the two upper windows with wood simulated divided light windows, replace the material on the front roof from cedar shake to asphalt shingles and replace the aluminum siding with fiber cement panel siding. The Landmarks Commission ultimately recommended that the two upper windows be replaced with wood simulated divided light windows but tabled the request on the siding so that the building be researched to see if the original wood plank siding existed under the aluminum siding. They also denied the request to change the roof material because they would rather the roof materials remain wood.

Action:

A motion was made by Commissioner Brown to grant a Certificate of Appropriateness for the replacement of the upper two windows on the west façade of W61 N512 Washington Avenue with wood simulated divided light windows. The motion was seconded by Vice Chairperson Burgoyne.

Planner Censky responded to a Commissioner question that Mr. Prom is in the process of modifications to his building and that the windows are important to the interior work he is doing. He added that all Plan Commission approvals are valid for one year.

The motion carried without a negative vote.

REQUEST FOR CERTIFICATE OF APPROPRIATENESS TO REPLACE AN EXISTING GARAGE DOOR AND A PEDESTRIAN DOOR AT W62 N582 WASHINGTON AVENUE – JAMES BENSON

Planner Censky advised that James Benson was requesting approval to replace the existing garage door and pedestrian door on his commercial downtown building at W62 N582 Washington Avenue. While the building faces Washington Avenue, the replacement doors are for the building's access from Columbia Road. He noted that the existing doors were weathered and worn at the base where they no longer function as needed. The applicant proposes to replace them with the American Tradition Series Haas Door which is a 26 gauge galvanized steel door with a polyurethane core.

COMMON COUNCIL**April 10, 2006****CC20060410-7
UNAPPROVED**

nine months; and if construction has not commenced within that period of time, the zoning becomes null and void unless it is extended. Mr. Zimmerschied has advised Planner Censky that he is in discussions with a potential anchor tenant and if they materialize, he will be seeking a permit in the near future. Because Mr. Zimmerschied's plans are good quality plans that continue to comply with the Zoning Code, the Plan Commission recommended approval of the extension by a vote of five to one.

Motion made by Council Member Beck, seconded by Council Member Cordio, to approve the request from Greg Zimmerschied of Cornerstone Builders, LLC, for an extension for his mixed use project proposed for the northwest corner of Mill Street and Washington Avenue. Motion carried without a negative vote.

CONSIDER APPLYING FOR A TRAFFIC ENHANCEMENT GRANT FOR THE CEDAR CREEK WALKWAY

City Administrator Boyle stated this is a reimbursable traffic enhancement grant to secure 80% of the total construction and design costs for the remaining sections of the Cedar Creek Walkway to be spent through 2009.

Motion made by Council Member Loomis, seconded by Council Member Radtke, to apply for a traffic enhancement grant for the Cedar Creek Walkway for the full amount or a smaller amount, at the discretion of staff. Motion carried without a negative vote.

**CONSIDER ISSUANCE OF BEER GARDEN LICENSE TO ERNIE'S WINE BAR, LLC
N49 W5471 PORTLAND ROAD**

Mayor Myers stated this item was tabled by the Plan Commission on April 3 for fence approval pending Council review of the beer garden license. This item is not a referral from the Plan Commission.

Planner Censky added that according to Section 7-2-17(b) of the Licensing and Regulations Code, beer garden licenses are allowed only after approval by the Plan Commission. The Code limits them to an area no greater than 50% of the licensed premise and shall be located no closer than 100 feet to a residential structure. No amplified sound or music is permitted and any fencing must be approved by the Police Chief and the Plan Commission prior to approval. The City's review of the proposed beer garden indicates that it does comply with the size and location requirements.

Mayor Myers opened this item for comments from the audience.

John and Susie Nelson, W55 N470 Spring Ct., stated they live adjacent to the proposed beer garden at Ernie's Wine Bar. They moved to Cedarburg 11 years ago because of their desire for peace and tranquility. While looking through the Cedarburg Blue Ribbon Visioning Report he found many strengths that he concurs with such as quality of life, small town feeling, sense of safety, and peaceful community. He sincerely believes the establishment of a beer garden within close proximity to his premises and to his neighbors will jeopardize the peace and tranquility they have come to expect. John Nelson stated the proposed open beer garden abuts residential property on the south, east and the northeast and he has every reason to believe that the outside beer garden will create noise sufficient to be a nuisance to his property and enjoyment of his residence, particularly during evening hours. Speaking from personal experience, noise travels a considerable distance in

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April 10, 2006

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UNAPPROVED

his neighborhood and at times a patron or tenant of the former Triple L Tap would spend evenings outside talking around a fire pit. It was quite discernable as they tried to sleep in their bedroom, which is faced closest to the proposed beer garden. He frequently can hear people leaving at early hours of the night from L&G Express and noise really is a problem. He moved into the neighborhood knowing there were taverns, so he can expect people to be loud at times, but the institution of a beer garden allows that noise continually all evening and into the early morning hours and he expressed concern for the amplification of 25 or more people. John Nelson stated that people become loud when they drink and customers would not be aware that there are residences beyond the trees and light would also penetrate his property from the beer garden. He is aware that the City has issued other beer garden licenses but they are in B-3 Zoning areas and this would be a bad precedent to set by putting a beer garden in the midst of a residential area.

Walt and Sallyann Bouwens, N46 W5455 Spring Ct., live on the south side of Spring Court and he questioned Mr. Grade's using 1,400 sq. ft. for the beer garden as it would mean the business is using the entire building and it seems inappropriate. The 40 inch high fence that is planned will do nothing to restrict noise or light penetration. Spring Court is made up of nine houses on one acre lots, and the ability to have such a quiet residential area within the City of Cedarburg is almost unique and probably doesn't exist anywhere else. Wildlife populates the wooded area. A beer garden would be disturbing and possibly prevent this from continuing. His last observation is the noise generated from motorcycles at 2 a.m. when leaving L&G Express.

Art Bruemmer, N49 W5401 Portland Road, lives directly east of Ernie's Wine Bar and he expressed concern that the owner did not meet with the neighbors beforehand to address their concerns. He stated he is against the beer garden because the previous owners had many parties with fireworks on weekends and had no respect for the neighbors. In reviewing the beer garden plans, he requested that Ernie's Wine Bar screen the entire trash area and not just the area facing their building and move the parking area to the railroad track side. Mr. Bruemmer stated that at one time he tried to rezone his property to a two or four family condominium, and it was denied by a former planner. When he built his single-family home, he did not expect the expansion of a beer garden on the neighboring property and he hopes the Council votes against the license application.

Kim Beyer and Tanya Goralczyk are in the process of selling a home on Spring Ct. that was owned by their mother for thirty years. She asked the Council Members to think of putting a beer garden in their backyards and what it would do to neighborhoods, especially if they were trying to sell their property. The area surrounding the house is wooded in a wonderful area and contains wildlife.

Erik Knuth, N49 W5347 Portland Road, stated the forest is a 200 hundred year old climax forest and he questioned the size of the beer garden based on 2,900 sq. ft. when the first floor is 1,400 sq. ft. He doesn't feel the owner should assume his total square footage of the building when planning the beer garden area. Mr. Knuth expressed concern that Ben Grade did not talk to the neighbors about his plans and asked the Council to think about this lifetime decision.

Mayor Myers stated it is not a lifetime decision because the beer garden license can be revoked at anytime.

Robert Groh, N68 W5410 Columbia Road, is in favor of Ernie's Wine Bar and similar establishments in Cedarburg. Citizens are asking for improvements in the City, not only libraries, but nicer restaurants. This establishment is not like the Triple L and he understands the fears and concerns of area residents. He asked that neighbors give the people who frequent Ernie's Wine Bar

(30-60 year olds with substantial incomes who appreciate fine wine) more credit than those wanting to disrupt a neighborhood. He stated that Mr. Grade has taken the courage to upscale the former Triple L and people are excited and talking about his business. It is a respectful crowd and he asked the Council to allow Mr. Grade the chance to have a beer garden.

Jack Henke lives in the Town of Cedarburg and spoke as a patron and friend to Ben Grade. He was surprised that Mr. Grade had not talked to his neighbors, but as a personal recommendation he is sure Mr. Grade would work with the people in the community. Mr. Grade is working hard to make his business a fine place for the City and Mr. Henke is sure Mr. Grade will be willing to meet with his neighbors to work out any concerns.

Melissa Radtke, 10325 Lawndale Drive, has worked for Ernie's Wine Bar since it opened. She stated it is a place that has an upscale clientele and it is not like any other bar in the area. To find another similar place you would need to go downtown Milwaukee. It is a respectable place for a nice glass of wine and quiet conversation and she asked for the Council's consideration to allow the beer garden.

Ben Grade, W58 N451 Hilbert Avenue, stated a wine bar is a restaurant that serves wine. He understands the neighbor's concerns about having a beer garden in their backyard, but his business is not a bar. Mr. Grade stated he has been in the beer and wine business for thirty years and has lived in Cedarburg for 15 years. He explained the concept of the business and the history of the building,

In answer to Council Member Cordio's question, Ben Grade stated he was not aware of any concerns on his proposed beer garden and is willing to talk to the neighbors.

Ben Grade stated the licensed premise is the first floor and basement, which is storage. He has 1,450 sq. ft of space and 450 sq. ft. is public seating. He paid \$340,000 for the building and has seating for 30 people inside - adding outdoor seating is attractive and will help with his expenses.

In answer to Council Member Radtke's question, Ben Grade stated he would not be opposed to changing the beer garden layout after talking to the neighbors.

Mayor Myers stated he has been through this process four times and the same fears and objections were expressed by neighbors in all four instances. Those concerns never came to fruition and now we have four quality establishments for our citizens and visitors to enjoy. This proposed site is the most isolated of any of the previous four. He stated the Council has always given the proprietor a chance because the license can be revoked at anytime if there are problems.

Council Member Loomis suggested that Ben Grade meet with the neighbors to come to some accord by considering location, fencing, lighting, landscaping and hours before voting affirmatively on the license.

Ben Grade stated he had no intention of staying open past restaurant hours.

Council Member Beck stated she has had many calls and the only people in favor of the beer garden did not live in the neighborhood. She expressed concern for the closeness of many of the houses to the proposed beer garden. The Council has been through the protection of neighborhoods before and the neighbors have legitimate concerns. This issue is not a reflection on the type of person Mr.

Grade is, but that it is an open beer garden in a residential neighborhood. Council Member Beck stated she is opposed at this point, but suggested that Mr. Grade meet with the neighbors.

Council Member Kinzel stated that Mr. Grade has made huge improvements to the property and would like him to meet with the neighbors. He stated that patrons will be upscale and it is the type of business that does not exist in Cedarburg. The Council is protective of neighbors, and the decision is difficult, but he wants to give Ernie's Wine Bar an opportunity to succeed.

Council Member Besaw stated she can appreciate the neighbors concerns but all the previous beer garden approvals have proven to be very elegant with outside seating in nondisruptive areas. She appreciates the quality business that Mr. Grade is bringing to Cedarburg that is more like a patio than a beer garden.

Council Member Radtke stated he drove around the neighborhood surrounding Ernie's Wine Bar and does not think there will be a problem, but he also understands the neighbor's concerns. Ernie's Wine Bar is a nice improvement to the area and he asked Mr. Grade to meet with the neighbors to come to some agreement.

Council Member Besaw moved for the approval of a beer garden license at Ernie's Wine Bar with the clear understanding that if it poses a problem the license will be revoked by the Common Council at anytime. Motion was seconded by Council Member Kinzel.

Council Member Cordio stated he will vote against the license because Mr. Grade needs to talk to his neighbors first and then he should come back to the Council for approval. Council Members Radtke and Loomis concurred with Council Member Cordio.

Motion made by Council Member Loomis, seconded by Council Member Glamm, to table the decision to issue a beer garden license to Ernie's Wine Bar, LLC. Motion carried with Council Members Cordio, Glamm, Besaw, Radtke, Beck and Loomis in favor and Council Member Kinzel opposed.

Mayor Myers stated the fencing design for the beer garden will be on the May 1 Plan Commission agenda and he should meet with his neighbors prior to the May 8 Common Council meeting.

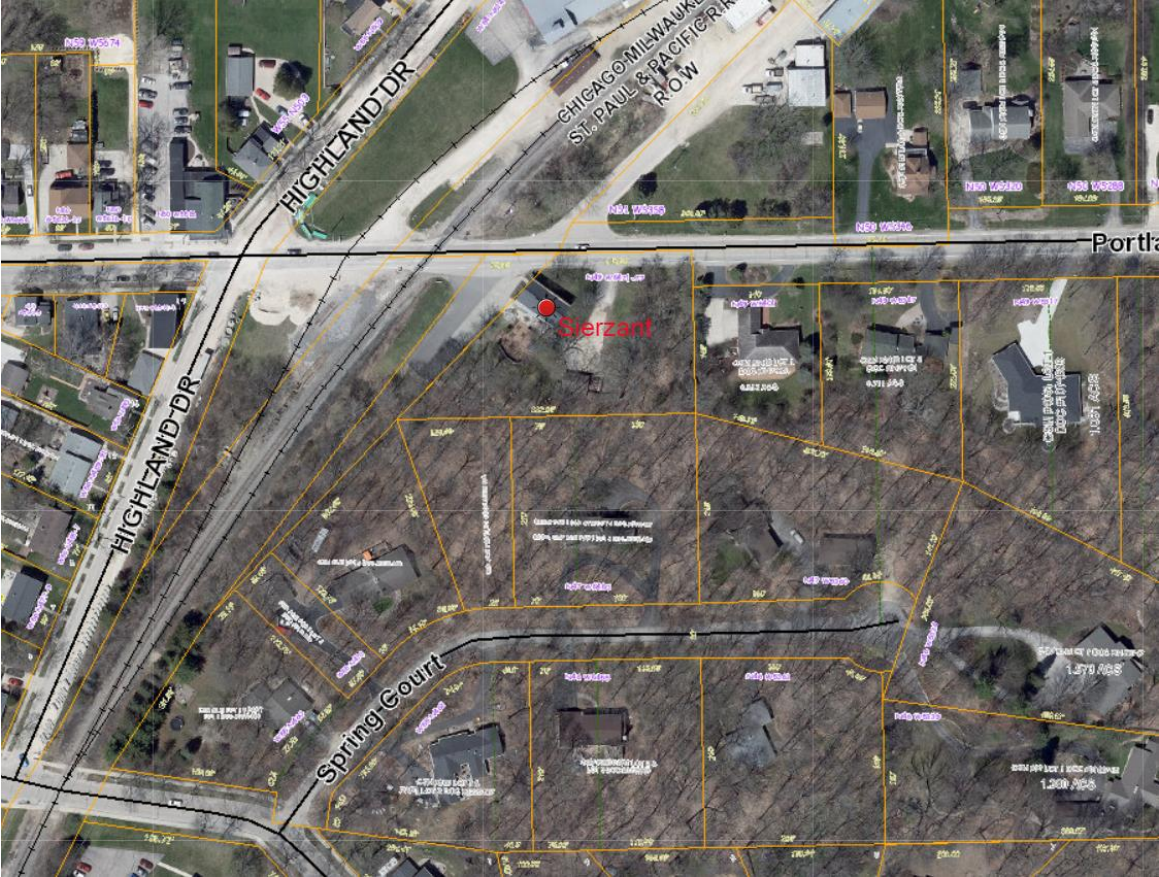
Council Member Beck expressed concern for having the Plan Commission consider the design prior to a Council decision on the beer garden.

Council Member Glamm stated the Common Council will not interpret the approval of the license based on the design approval of the Plan Commission. The Common Council has a different responsibility to consider when making the decision to issue a beer garden license. Council Member Glamm explained that the vote to table the Council's decision on the beer garden license was based on the need for open minded dialog between the applicant and the neighbors and that the license may be revoked if needed in the future.

CONSIDER ACCEPTING THE JOINT EXTRATERRITORIAL ZONING COMMITTEE (JETZCO) MEMBERS AS APPOINTED BY THE PLAN COMMISSION

Motion made by Council Member Glamm, seconded by Council Member Radtke, to accept the Joint Extraterritorial Zoning Committee (JETZCO) Members as appointed by the Plan Commission

2022 Ozaukee County GIS Aerial Map View – Sierzant Site



2022 Ozaukee County GIS Aerial Map View – Sierzant Site Zoom





Recommendation:

The Planner recommends the following conditions be considered for attachment to any approval the Planning Commission may be inclined to grant in this matter:

- 1) Use of the indoor spaces for bar and non-ground level apartment are approved subject to issuance of an occupancy permit by the Building Inspector and a liquor license from the Clerk. *Note: If the non-ground level apartment is short-term rental, the applicant is reminded that room tax payments to the City are required.*
- 2) Use of the outdoor spaces are not permitted until full site plan details as specified in [Section 13-1-124 of the Code](#) are submitted, on deadline, for review and approval by the Plan Commission at a future meeting.



LAND DEVELOPMENT APPLICATION

PROPERTY LOCATION/ADDRESS: N49W5471 Portland Rd. Cedarburg, WI 53012

APPLICANT/BUSINESSNAME: Sierzant LLC

APPLICANT/BUSINESS ADDRESS: 1977 Shasta Ave. Grafton WI 53024

STATUS OF APPLICANT: ☒ OWNER ☒ AGENT ☐ BUYER ☐ OTHER _____

PHONE: 414-213-8407 EMAIL: SierzantCedarburg@gmail.com
sethdehne@yahoo.com

PROPERTY OWNER (IF DIFFERENT): MOFRD LLC

PROPERTY OWNER MAILING ADDRESS: N69W6171 Bridge Rd. Cedarburg, WI 53012

PROPERTY OWNER PHONE: 262-424-9888 PROPERTY OWNER EMAIL: Lance@twmke.com

REQUEST FOR (CHECK ALL THAT APPLY):

☒ CONCEPT REVIEW

☒ CONDITIONAL USE ZONING

☐ SITE/ARCHITECTURAL PLAN APPROVAL

☐ ANNEXATION REQUEST

☐ SUBDIVISION PLAT OR CSM REVIEW

☐ VARIANCE/BOARD OF APPEALS

☐ ZONING DISTRICT CHANGE

☐ OTHER _____

DESCRIBE REQUEST: Resume previous approved use as a bar/cocktail lounge/Tavern and patio under new business and Property Ownership. Sierzant LLC is the new business. Looking for ~~live~~ live music 2-3 times a week and a new patio with

PLEASE SUBMIT: FIVE (5) COPIES OF WRITTEN DESCRIPTION OF PROPOSAL OR REQUEST FOR CITY STAFF REVIEW
FIVE (5) FULL SETS OF SUPPORTING DRAWINGS, SKETCHES OR SURVEY MAPS FOR CITY STAFF REVIEW
THIRTEEN (13) SETS OF PLANS (11" x 17" MAX) FOR PLAN COMMISSION REVIEW

Bolce has Courts and Bags.

The undersigned certifies that he/she has familiarized themselves with the State and Local codes and procedures pertaining to this application. The undersigned further hereby certifies that the information contained in this application is true and correct. This application shall be signed by the property owner(s).

PROPERTY OWNER(S) SIGNATURE: _____

DATE: 8/6/2024

FOR CITY STAFF USE ONLY

TOTAL FEE: \$ _____ (SEE FEE SCHEDULE ON REVERSE PAGE) DATE FEE PAID: _____

APPLICATION AND FEE RECEIVED BY: _____ PLAN COMMISSION MEETING DATE: _____

ATTACHMENTS (CHECK IF RECEIVED):

☐ FIVE DESCRIPTIONS

☐ FIVE FULL-SIZE SETS

☐ THIRTEEN PLAN SETS

PROPERTY TAX KEY NO/PLAN COMMISSION FILE NO: _____

ZONING: _____ ALDERMANIC DISTRICT: _____ PREVIOUS MEETING: _____



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COPIED OR ASSIGNED TO ANY THIRD PARTY IN ANY FORM
OR MANNER WITHOUT FIRST OBTAINING THE EXPRESSED
WRITTEN PERMISSION OF Northern Exposure Landscaping, Inc



L.1	August 7, 2024
	Date
	Job Number
	File Number

Sierzant
N49W5471 Portland Road
Cedarburg, WI 53012



Northern Exposure Landscaping
Office: 262-242-3877
office@northernexposureld.com

Beer Garden Gravel Area		
Sheet Title		
Designed by	Created by	Checked by
Milana Mrkalj		

From: [City of Cedarburg - Mary Censky](#)
To: [Sethdehne](#)
Subject: RE: Sierzant landscape design
Date: Wednesday, August 14, 2024 10:24:00 AM
Attachments: [image001.png](#)

Thank you for sending this over, **Seth**.

Here are the [Application and Guidelines for Approval of Outdoor Alcohol Beverage License](#). I think Tracie had said that you may already have this paperwork – I’m not sure if you’ve returned it to her yet, but I wanted to point out a couple of important details, from the Plan Commission review side, about this Application and Guidelines as follows:

- The Sierzant site is not located in the B-3/HPD District so Landmarks Commission will not be involved in this project review.
- The Plan Commission is required to review and make a recommendation to the Common Council whether to issue the Outdoor Alcohol Beverage License.
- The primary responsibility of the Plan Commission in their review of this License Application is concerned with ‘determining whether the use will have an adverse impact on the surrounding neighborhood’.
- To that end, please provide the following additional details to the plan you attached as follows:
 - Increase the size of your site plan, set it to a useable scale and add dimensions to as many of the displayed features as possible.
 - Define what the brown rectangles are exactly – looks like a picnic table or a table and chairs,...
 - Will there be any outdoor lighting? If yes, please provide those details.
 - Do you intend that people can consume alcohol at all of the picnic tables shown, and at the bocce courts? Please note that in the Application and Guidelines, it says that the *entire* outdoor serving area must be completely enclosed with a fence, wall, landscaping or other materials/measures. It appears you are proposing just a mulch boundary at this time while identifying a future fence. Please provide details as to when in the future that fence would be installed and provide better information about the future fence, such as height, materials, and style/design. If you are planning that people sitting at the tables shown on the grass outside of/south of the gravel and stone base area or the people playing bocce might also be having alcohol beverages, I believe those areas would have to be within the enclosed boundary as well.
 - Please provide the plan view details for the future split rail fence you show on the plan (height, materials,..). Also, please describe what you mean when you say it’s to be installed in the future.
- What are the proposed days and hours for use of the outdoor alcohol beverage area and

the bocce courts?

- In a previous message you had mentioned that you may be proposing some form of outdoor entertainment. I'm not sure if that just means the bocce courts, or if you might be referring to outdoor music. I'll just add here that amplified outdoor music is a special exception that you'd need to request as a part of the Outdoor Alcohol Beverage License. If it's not specifically requested, it appears to be prohibited ([ref Section 7-2-17\(b\) of the Code](#)). If you do intend to request amplified outdoor music, you can preview the related regulations at Section 7-2-17(e)(1)-(11).

If you can provide all of the above information timely, we could put your Outdoor Alcohol License (including amplified outdoor music exception, if requested) on the agenda for consideration at the September 4th Plan Commission meeting.

On a separate track from the Outdoor Alcohol Beverage License matter, is the Conditional Use Permit (CUP) request to operate the sites/buildings in the new Sierzant business name and under new property ownership. The proposed expansion of the outdoor seating area and addition of bocce courts is considered a site plan amendment. The Plan Commission will address those changes as a part of the CUP request. The same supplemental plans, materials, and information as bullet-pointed above will be needed. Additional information, including the location(s) for patron parking at the site, the location and manner of screening for any dumpsters you plan to keep at the site, and any other changes you are contemplating to the site or exterior of the buildings, should be reflected in your plans. Section 8-3-5 of the Code requires that the location and screening of the dumpsters be approved by the Building Inspector.

I could accept these plans as late as August 21st and still have time to review and include them in the Plan Commission packet.

I hope this information is helpful to you and look forward to working with you to get all the required plans and permits through the review and approval processes as swiftly as possible.

Kindly,

Mary

Mary Censky, City Planner
Cedarburg, WI 53012-0049
mcensky@cityofcedarburg.wi.gov
262-375-7614

From: [Seth Dehne](#)
To: [City of Cedarburg - Mary Censky](#); [Sierzant Wine Bar](#)
Subject: Re: Sierzant landscape design
Date: Tuesday, August 20, 2024 5:04:13 PM
Attachments: [Sierzant Design2.pdf](#)
[image001.png](#)
[Sierzant Outdoor alcohol beverage license description.docx](#)

Attached is a tweaked design and also a letter explaining all aspects of the patio per your email below.

As for CUP permit we would like to utilize the hut for a small bar quick service.

As for the dumpsters they will stay in the dumpster barn on the east side of the garage. I believe they are only visual from Portland RD.

Seth Dehne.

[https://link.edgepilot.com/s/f73a6715/UZAHJZvANU67Lz2QHMODVg?
u=http://www.mindsetinvestors.com/](https://link.edgepilot.com/s/f73a6715/UZAHJZvANU67Lz2QHMODVg?u=http://www.mindsetinvestors.com/)

Mindset Investors - Real Estate Investing Group

DBProperties - Airbnb, VRBO, Commercial Real Estate

Ridge Creek Realty- Commercial Division license #97875-94

RWB- Buckhead Saloon

90s2K Cafe

Lucky Clover

Elbow Room -Brookfield

Sierzant- Cedarburg

Service Industry Network

On Wednesday, August 14, 2024 at 10:26:10 AM CDT, City of Cedarburg - Mary Censky <mcensky@cityofcedarburg.wi.gov> wrote:

Thank you for sending this over, **Seth**.

Here are the [Application and Guidelines for Approval of Outdoor Alcohol Beverage License](#). I think Tracie had said that you may already have this paperwork – I'm not sure if you've returned it to her yet, but I wanted to point out a couple of important details, from the Plan Commission review side, about this Application and Guidelines as follows:

- The Sierzant site is not located in the B-3/HPD District so Landmarks Commission will not be involved in this project review.
- The Plan Commission is required to review and make a recommendation to the Common Council whether to issue the Outdoor Alcohol Beverage License.
- The primary responsibility of the Plan Commission in their review of this License



L.1	August 7, 2024
	Date
	Job Number
	File Number

Sierzant
N49W5471 Portland Road
Cedarburg, WI 53012



Northern Exposure Landscaping
Office: 262-242-3877
office@northernexposureld.com

Beer Garden Gravel Area		
Sheet Title		
Designed by	Created by	Checked by
Milana Mrkalj		

Plan Commission,

In our application for Approval for outdoor Alcohol Beverage license I am attaching the below description along with a picture of the patio layout. As this location has been a community gathering spot as a bar/tavern and formerly an Inn over its 30 plus years in operation, we hope to bring similar vibrancy to the neighborhood area and a new option to the city.

In regards to the patio and amplified music we would like to take the already approved location and expand its usable footprint to provide more seating space and activities

An 8 ft Cedar fence line will extend east from the current gate located in the middle of the building to approximately 25ft east stopping close to a large oak tree. It will then extend south east approximately 40 feet along the west wall of the garage to the sections of trees that it turns to the west at an almost 45 degree angle and stops. The already standing 8ft Visual fence blockades along the south property line will stay. We will continue the south property line by filling visual gaps with dirt berm and thick lush plantings at or above the 8ft line. Thuja green giants are a successful visual, audio and physical blockade to provide neighbors with no sightline to the patio and physical separation.

We are open to conversations with the 2 neighbors to the south to discuss the natural berm and live plantings it contains. If a physical fence is more desirable we are open. On the Western line of the property is a 4 ft cedar dual split rail fence located approximately 3 feet from the current parking lot and extends along the property line to the south connecting to the berm providing a natural an physical surrounding encompassing the entire patio.

As you can see in the attached drawing we will have a Cedarburg first of 2 40 ft turf bocce ball courts surrounded by railroad ties bringing in the local surroundings. Positively, due to sloping and level grading the turf would not be fully visual from Portland road. It will not be visual between the fence and railroad ties will be a mulched down slope to small retaining wall. The beautiful magnolia tree would provide shade to the area. Inside the mulch will be perennial plantings of flowers and grasses such as black eyed Susan and fescue grasses while adding a few junipers for height. That mulch line will wrap the entire exterior of the patio into where the mulch line will meet traffic bond filling. We will use the cream colored traffic bond to fill majority of the patio and then add ravens dust traffic bond which is a black material. Ravens dust will outline walkways for aesthetics and visual guidance. You would follow the black ravens dust pathways to 3 -4 seating areas designed for relaxation and conversation. Adirondacks around a propane fire for one section. 3-4 Cushioned couches in another seating area. Large family table outdoor patio with cushioned chairs and umbrellas at another. Multiple bean bag areas to the east side of the fence line as well. The red rectangles / boxes on the Traffic bonded patio will be wrought iron tables and chairs with cushions. Umbrellas available for those who do not want sun. On the grass above would be 4 wood picnic tables to provide shaded seating and a beer garden atmosphere. We would provide a shaded bean bag area to the south of those as well located near the berm line.

We will fix the roof on the hut with a local roofer and look to utilize it for television watching outside for a packer game, world cup game or something of that nature. The 90/45ft patio will be focused on relaxing outside while playing some backyard games with a family friendly environment. We would copy the last property owner and only have 2 speakers outside to provide amplified ambient music. We would place the speakers on the east fence line so that sound travels away from the southern neighborhood. Very similar to what was previously there.

Café string lighting will extend from a central pole out to 6-8 outer support posts to provide needed lighting outside and safety.

We would allow people to consume alcoholic beverages at all seating locations, bocce ball courts and bags areas.

Hours of patio operation would be 4pm to 9pm Monday-Wednesday. 4-10pm Thursday and then 10am to 10pm Friday Saturday and Sunday from 10am -6pm.

In an approval for outdoor amplified music we would like to allow single or duet member artists to be allowed to provide live music on Thursday, Friday and/or Saturdays as well. We would look out towards common nights that Cedarburg is already vibrant like a summer sounds evening and provide music at those times along with an off day every now and again. All music would be held to a reasonable level as not to disturb the neighborhood and be respectful of our neighbors.

Thank you for taking the time to review this request. We look forward to bringing a new twist and class to the city and county.

Joe Nowak, Seth Dehne and Jake Dehne

PLANNERS REPORT

To: City of Cedarburg Plan Commission

By: Mary Censky

Date Prepared: September 4, 2024

General Information:

Agenda Item: 6.C.

Applicant/Property Owner:

N.A./This item is City initiated

Requested Action:

Recommendation to the Common Council to Amend Section 13.1.226 of the City Code ref Conditional Uses.

Discussion:

In previous cases, when there is a change in the business or property ownership attendant to an existing Conditional Use Permit (CUP), the new owner(s) file a request/application to the Plan Commission for transfer of the CUP into the new business or ownership name. This process requires the same procedures as for a new CUP. The same is true when an existing CUP holder requests to amend their CUP in some way – the process requires the same procedures as for a new CUP.

The City Code doesn't currently articulate these requirements, clearly. The proposed amendments as seen in the attached DRAFT Ordinance would correct that.

The DRAFT Ordinance also contains other updates such as pertaining to the soda water provisions (a process/permit that is no longer in effect) and termination, plus other miscellaneous changes the Plan Commission had recommended during its 2023 Comprehensive Zoning Code review.

Recommendation:

If the Plan Commission supports the proposed changes as presented, the matter will be advanced to the Common Council for final consideration and action.

ORDINANCE NO. 2024-__

ORDINANCE TO AMEND SECTION 13-1-226 regarding Conditional Use Permits as set forth in Title 13, Chapter 1, Article K of THE MUNICIPAL CODE OF THE CITY OF CEDARBURG.

WHEREAS, the City of Cedarburg does make it a practice to require Planning Commission approval and recording of new Conditional Use Permit and related Land Covenant and Exhibit documents if/as necessary any time the existing Conditional Use permittee or property owner changes; and

WHEREAS, the City of Cedarburg does make it a practice to require that any modification to the approved buildings, site, use, and/or operating plans contained within an existing Conditional Use Permit are brought back through the Plan Commission for review and approval of an amendment and utilizing the same process as for a new Conditional Use Permit; and

WHEREAS, the City desires to update it's current Code language to accurately and completely reflect these existing practices; and

WHEREAS, the City of Cedarburg Plan Commission did, on September 4, 2024 conduct a public hearing on this matter; and

WHEREAS, the City of Cedarburg Common Council did, on _____, 2024 conduct a public hearing on this matter;

NOW, THEREFORE, the City Council of the City of Cedarburg, Ozaukee County, Wisconsin does ordain as follows:

SECTION I**SEC. 13-1-226 CONDITIONAL USE PERMIT.**

(a) **Permit.** The Plan Commission may authorize the Zoning Administrator/City Planner to issue a conditional use permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this Chapter and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

(b) **Existing Conditional Use Permits.** Existing Conditional Use Permits may be reassigned to a new Permittee **and/or property owner** by action of the Plan Commission, provided all terms and conditions of the original Conditional Use Permit and all subsequent amendments remain unchanged. **In the event the new permittee or property owner proposes any changes to the existing terms and conditions, the request shall be processed as for a new Conditional Use Permit. In the case of both reassignment and new Conditional Use Permits, a public hearing shall be conducted, as setforth in subsection (f) below, by the Plan Commission.**

When an existing Conditional Use Permittee requests an amendment to their existing permit, the amendment request shall be processed as for a new Conditional Use Permit. A public hearing shall be conducted, as set forth in subsection (f) below, by the Plan Commission.

(c) **Existing Uses.** All uses existing at the effective date of this Chapter which would be classified as a conditional use in the particular district concerned if they were to be established after the effective date of this Chapter are hereby declared to be conforming, **albeit undocumented** conditional uses. Any proposed change in the existing **use, site or structure(s) operation** shall be subject to the conditional use procedures as if such use were being established anew.

(d) **Application for Conditional Use Permit.** Except as provided herein, application for conditional use permit shall be made **in duplicate** to the **City Planner Clerk** using **the Land Development Application Form** and shall include **at least** the following **information** where pertinent and necessary for proper review by the Plan Commission:

- (1) Names and addresses of the applicant, owner of the site, architect, professional engineer, **and** contractor, when engaged, ~~and all opposite and abutting property owners of record.~~
- (2) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- (3) Plat of survey prepared by a land surveyor registered in Wisconsin or other map drawn to scale and approved by the Zoning Administrator/**City Planner**, showing the location, property boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards; a detailed plan of proposed surface drainage, topographic data or pertinent grade elevations where necessary for proper interpretation of the plans, and a small locational diagram showing the property in relation to the surrounding area, and U.S. Public Land Survey Section number; and areas subject to inundation by floodwaters.
- (4) In areas subject to inundation by floodwaters, the plat of survey shall also include first floor elevations, utility elevations, historic and probable future floodwater elevations, depth of inundation, floodproofing measures, and plans for proposed structures, giving dimensions and elevations pertinent to the determination of the hydraulic capacity of the structure or its effects on flood flows. Where floodproofing is required, the applicant shall submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are adequate to withstand the flood forces and velocities associated with the one hundred (100) year recurrence interval flood. Prior to the issuance of an occupancy permit, the applicant shall also submit a certification by the registered professional engineer that the finished floodproofing measures were accomplished in compliance with the provisions of this Chapter.
- (5) In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within forty (40) feet of the subject site; soil mapping unit lines, types, and slopes, ground surface elevations; mean and historic highwater lines, on or within forty (40) feet of the

subject premises, and existing and proposed landscaping when so required by the City Plan Commission.

(6) Additional information, as may be required by the Common Council, Plan Commission, City Engineer, **Building Inspector**, or the Zoning Administrator/**City Planner**.

(7) Multiple copies of the above materials may be required at the time of submittal (refer to the Application Form for instructions in this regard). An electronic copy of the full submittal in pdf format is also required, either by electronic transmittal or by portable data drive delivery.

~~(e) Applications for Conditional Use Permits for an Outdoor Soda Water Vending Machines shall be made in duplicate to the City Clerk on forms furnished by the City Clerk and shall include the following:~~

~~(1) Name and address of the applicant, owner of the site, and all opposite and abutting property owners of record.~~

~~(2) Description of the subject site by address, identification of zoning district within which the subject site is located, and description of the proposed location of the outdoor soda water vending machine.~~

(fe) Review and Approval. The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation. Conditions such as landscaping, architectural design, type of construction, floodproofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Chapter. The foregoing is not an exclusive list of the types of conditions which may be imposed. Conditional uses shall comply with all other provisions of this Chapter unless variances are granted by the Zoning Board of Appeals. On city-owned property, the Plan Commission shall make a recommendation to the Common Council concerning applications for conditional use permits, and the Common Council shall have final approval regarding **those** conditional use permit applications. (Ord. 2001-07)

(gf) Hearings. The Plan Commission shall fix a reasonable time and place for the hearing, publish a Class Two (2) notice thereof, and shall give due notice to the parties in interest and Zoning Administrator/**City Planner**, and as specified in Section 13-1-228. At the hearing the applicant may appear in person, by agent, or by attorney.

(hg) Notice to DNR. The City Plan Commission shall transmit a copy of each application for a conditional floodland use to the Wisconsin Department of Natural Resources (DNR) for review and comment. Action on the application shall not be taken for thirty (30) days or until the DNR has made its recommendation, whichever comes first. A copy of all floodland conditional use permits shall be transmitted to the DNR within ten (10) days of the effective date of such permit.

(ih) Recordation of Conditional Use Permits. The City Clerk shall cause the recording of all conditional use permits with the Ozaukee County Register of Deeds.

SECTION II

All Ordinances or parts of Ordinances contravening the terms and conditions of this Ordinance are hereby to that extent repealed.

SECTION III

The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the Ordinance.

SECTION IV

This Ordinance shall take effect upon passage and publication as approved by law, and the City Clerk shall so amend the Code of Ordinances of the City of Cedarburg and shall indicate the date and number of this amending Ordinance therein.

Passed and adopted this ____ day of _____, 2024 by the City of Cedarburg Common Council.

APPROVED:

City of Cedarburg Mayor, Patricia Thome

COUNTERSIGNED:

City Clerk, Tracie Sette

PLANNERS REPORT

To: City of Cedarburg Plan Commission

By: Mary Censky

Date Prepared: September 4, 2024

General Information:

Agenda Item: 7.A.

Applicant/Property Owner:

N.A./This item is City initiated

Requested Action:

Recommendation to the Common Council to acquire land for public park purposes.

Discussion:

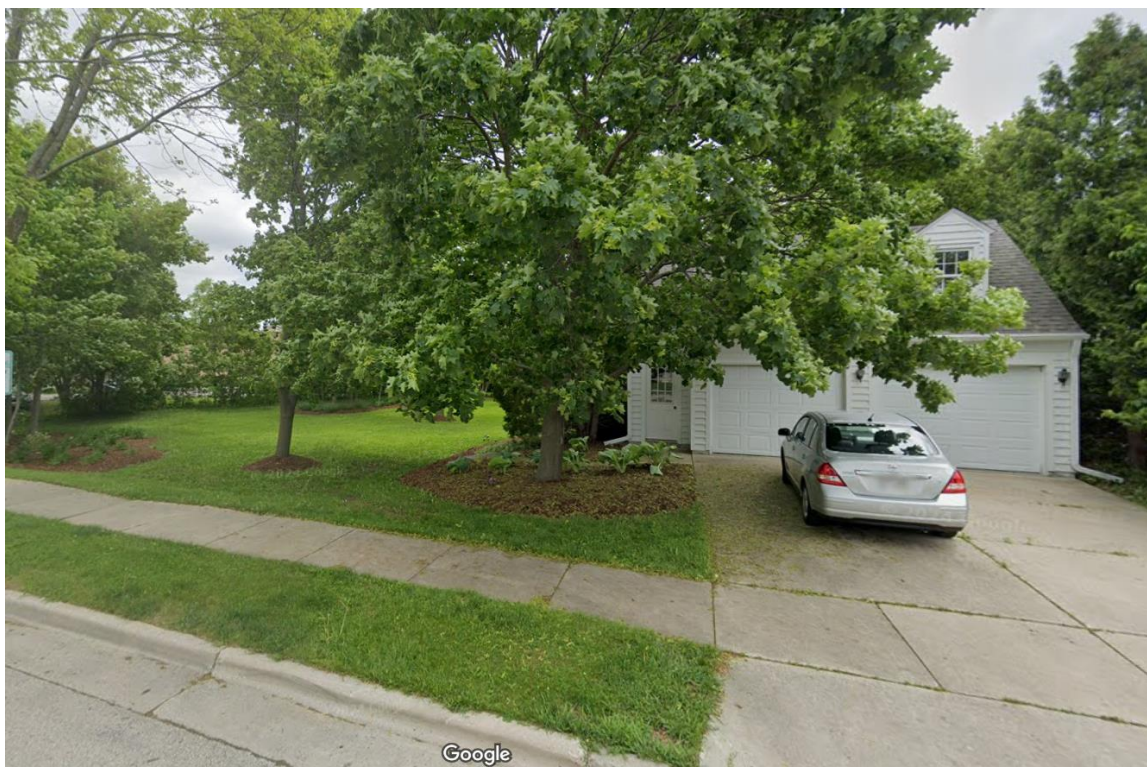
Section 62.23(5) of the Wisconsin Statutes provides:

The council, or other public body or officer of the city having final authority thereon, shall refer to the city plan commission, for its consideration and report before final action is taken by the council, public body or officer, the following matters: The location and architectural design of any public building; the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the city or within the territory over which the city is given platting jurisdiction by ch. 236; the location, character and extent or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any ordinance adopted pursuant to this section. Unless such report is made within 30 days, or such longer period as may be stipulated by the common council, the council or other public body or officer, may take final action without it.

The City is proposing to acquire the ~.66-acre parcel of land with existing driveway and structural improvements located at W63 N530 Hanover Avenue. The future plans are to use this site for public park purposes.



	COMMUNITY EXHIBITION/FAIRGROUNDS		HIGH-MEDIUM DENSITY RESIDENTIAL (5.2 TO 10.8 UNITS/ACRE)		OFFICE
	AGRICULTURAL OR OPEN SPACE (1 UNIT/35 ACRES)		INDUSTRIAL AND MANUFACTURING		RECREATIONAL LAND/PARKLAND
	COMMERCIAL		LOW DENSITY DETACHED URBAN RESIDENTIAL (20K TO 40K S.F.)		TRANSPORTATION, COMMUNICATION, OR UTILITY FACILITIES
	ENVIRONMENTAL CORRIDOR		MEDIUM DENSITY RESIDENTIAL (8.4K TO 12K S.F.)		UNSEWERED LOW DENSITY RESIDENTIAL
	GOVERNMENTAL AND INSTITUTIONAL		MEDIUM-LOW DENSITY RESIDENTIAL (12K TO 20K S.F.)		WATER
	HIGH DENSITY RESIDENTIAL (10.9 TO 16.1 UNITS/ACRE)		MIXED SINGLE FAMILY/TWO FAMILY RESIDENTIAL (5.2 TO 10.4 UNITS/ACRE)		
	HIGH DENSITY RESIDENTIAL (ELDERLY HOUSING) (10.9 TO 20 UNITS/ACRE)		MIXED USE OFFICE AND/OR HIGH-MEDIUM DENSITY RESIDENTIAL		



PLANNERS REPORT

To: City of Cedarburg Plan Commission

By: Mary Censky

Date Prepared: September 4, 2024

General Information:

Agenda Item: 7.B.

Applicant:

Stilt House business owner is Gordan Goggin.

Property Owners:

Nick Schuh Tavern LLC (and W62 Washington Avenue LLC)

Requested Action:

Approval of Temporary Use Permit to place an enclosed tent over the outdoor seating area from 11/4/2024 through 1/13/2025.

Current Zoning:

B-3 General Business District w/ Historic Preservation Overlay (HPO) District

Current Master Plan Classification:

Commercial

Surrounding Zoning/Land Use:

North: B-3 w/ (HPO)

South: B-3 w/ (HPO)

East: Cedar Creek

West: B-3 w/ (HPO)

Lot Size:

~ .09 acres (3,920 sq. ft.)

Location:

W63 N630 Washington Ave. (and
W62 N634 Washington Ave.)

Discussion:

This 20' x 40' x ~10' tall, enclosed, white tent (see file images of the tent, below, from previous years) is used to extend the seasonal useability of the outdoor seating area that supports the Stilt House restaurant/bar use. It has been approved through Temporary Use Permit for several consecutive years running. The Planner is not aware of any adverse issues having come up with respect to this use in the past.

[illegible]

The Landmarks Commission did review and recommend approval of this temporary use, as presented, at their meeting of August 22, 2024. They recommended that the use be permitted for both the 2024/2025 and 2025/2026 seasons, provided there are no issues that come up and no changes are made to the plan.

Recommendation:

On August 22, 2024, the Landmarks Commission did review and recommend approval of this temporary use, as presented. They recommended that the use be permitted for both the 2024/2025 and 2025/2026 seasons without having to come back through the Landmarks review process, provided there are no issues that come up and no changes are made to the plan.

The Planner recommends the following conditions be attached to any approval the Plan Commission may be inclined toward granting in this matter:

- 1) Review and Approval by the City Building Inspector and Fire Inspector prior to placement of the tent to ensure that all safety requirements are met.



TEMPORARY USE APPLICATION

(private property only)

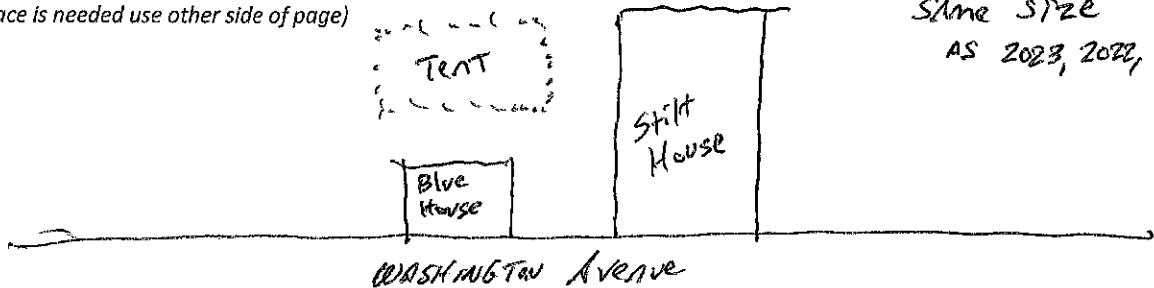
City of Cedarburg
W63N645 Washington Ave
PO Box 49
Cedarburg WI 53012
(262) 375-7600
www.ci.cedarburg.wi.us

Applicant Name: GORDON GOGGIN (The Stilt House) Phone: 262-573-4722
Mailing Address: W62 N630 Washington Ave CEDARBURG, WI 53012 Email: gordon.goggin@gmail.com
Location Address: W62 N630 Washington Ave CEDARBURG, WI 53012
Property Owner: WAVE PROPERTY MANAGEMENT Phone: 414-305-6364
Property Owner Mailing Address: W63 N674 Washington Ave CEDARBURG, WI 53012 Email: LANCE.LICHTER@gmail.com
Proposed Use: TENT
Dates of Operation: 11/4/2024 - 1/13/2025 Hours of Operation: 11am - 10pm

The following information needs to be submitted along with this completed application:

- 1) Payment of \$27.50 fee via cash, charge or check.
- 2) Drawing showing location in relation to lot lines and other structures on site.
(if more space is needed use other side of page)

SAME TENT
SAME LOCATION
SAME SIZE
AS 2023, 2022, 2021, etc.



The undersigned certifies that he/she has familiarized himself/herself with the State and Local Codes and procedures pertaining to this application. The undersigned further hereby certifies that the information contained in this application is true and correct.

8/5/2024

Property Owner Signature

Date

Conditions of Approval:

- 1) The applicant shall be responsible to correct any problem that may result from this use immediately upon notification.
- 2) All items shall be a minimum of two feet from the sidewalk.
- 3) No unattended merchandise stands, displays, or materials are allowed.
- 4) Use of public street waste containers is not permitted.

APPLICATION APPROVED BY:

City Planner

Date

Building Inspector

Date

Fire Inspector

Date

FOR CITY STAFF USE ONLY

TOTAL FEE: \$ 27.50

DATE FEE PAID: 8-5-2024

✓#3790

APPLICATION AND FEE RECEIVED BY: SB

IF USE IS IN THE HISTORIC DISTRICT, LANDMARKS COMMISSION MEETING DATE AND TIME: _____

IF USE EXCEEDS FOURTEEN DAYS, PLAN COMMISSION MEETING DATE AND TIME: _____

cc: Applicant
Deputy City Clerk
Temporary Permit File
Property File Tax Key No: 13-107-03-05-002
Festival Committee
Cedarburg Police Department

**REVIEW, DISCUSSION AND POSSIBLE ACTION ON THE PROPOSED
TEMPORARY USE/SEASONAL OUTDOOR SEATING AREA TENT IN SUPPORT OF
THE STILT HOUSE RESTAURANT/BAR USE LOCATED AT W62 N630
WASHINGTON AVENUE. THE PROPERTY OWNER IS NICK SCHUH TAVERN
LLC. THE STILT HOUSE BUSINESS OWNER IS GORDON GOGGIN. TAX PARCEL
NO. 13-107-0305-002. WARD/ALDERMANIC DISTRICT NO. 6**

Gordon Goggin is asking for the same tent as he had last year, to be in place from November 4, 2024 through January 13, 2025. Giving a blanket approval ad infinitum would not give new Commission members an opportunity to be aware of the policy and agree to it.

Commissioner Pape moved to approve the placement of the tent as presented for a two-year period. Council Member Burkart seconded the motion. Motion carried without a negative vote. Commissioner Yip excused.

PLANNERS REPORT

To: City of Cedarburg Plan Commission

By: Mary Censky

Date: September 4, 2024

General Information:

Agenda Item: 7.C.

Applicant:

Sierzant in c/o Seth Dehne

Property Owner:

Mofro LLC

Requested Action:

Review and recommendation to the Common Council on Outdoor Alcohol Beverage License Application.

Current Zoning:

B-2 Community Business District.

Current Master Plan Classification:

Commercial

Surrounding Zoning/Land Use:

North: M-1 Limited Manufacturing District
South: Rs-1 Single-Family Residential District
East: Rs-1 Single-Family Residential District
West: M-1 Limited Manufacturing District

Lot Size:

~ .99 acres (43,124 sq. ft.)

Location:

N49 W5471 Portland Road

Discussion:

In connection with his request for an outdoor seating, outdoor recreation and outdoor entertainment conditional use permit (CUP), the applicant has also submitted a request to permit outdoor alcohol consumption throughout the seating, recreation, entertainment and yard areas.

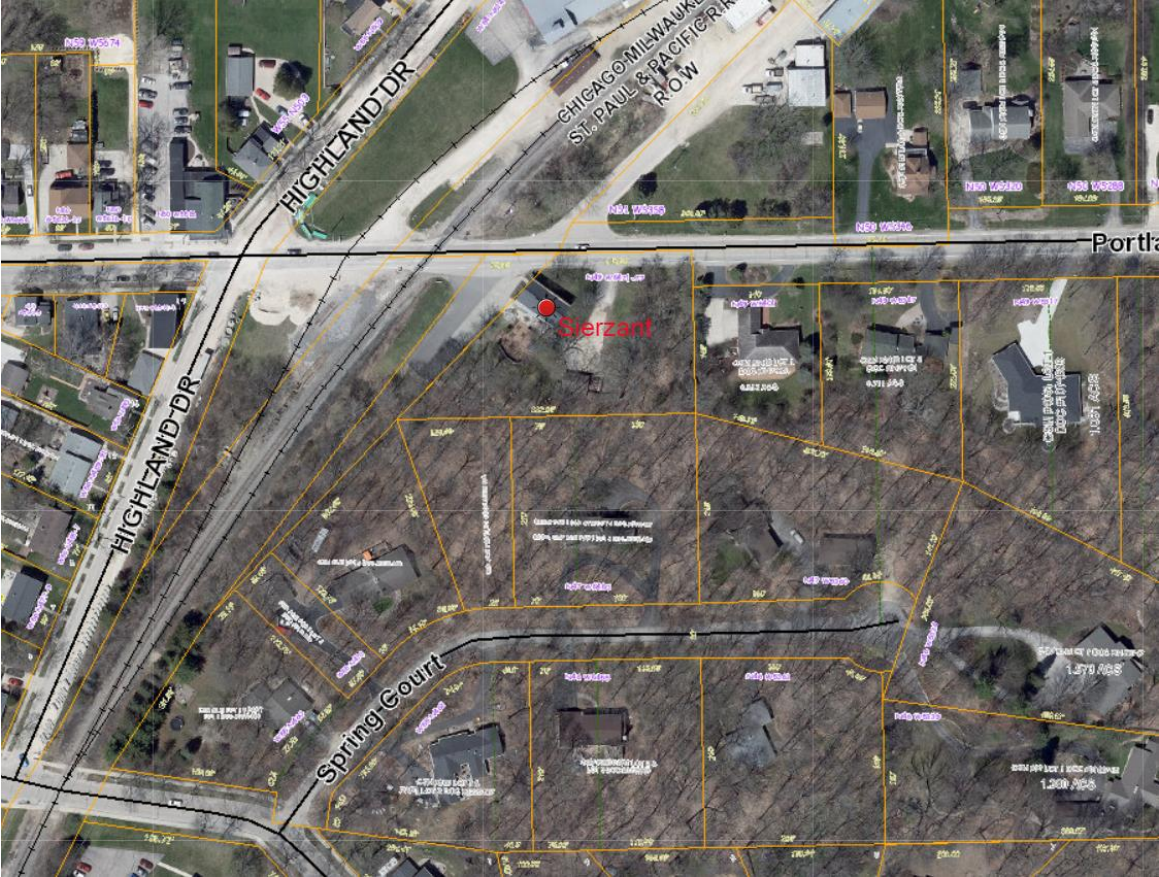
The use “Outdoor dining and non-alcohol beverage service.”, is listed as an accessory use that may be allowed in the B-3 Central Business District with the following “(Note: Outdoor alcohol beverage services require a premises license approved by the common council). The use “Outdoor dining and non-alcohol beverage service.” is not listed as a permitted, accessory or conditional use in any other business zoning district in the City.

Section 7-2-17(b) of the Code provides the following limitations on issuance of an outdoor alcohol beverage license. In making their (Common Council) determination on whether or not to approve an outdoor alcohol beverage license, the common council shall, on a case-by-case basis, take into consideration the size of the outdoor seating area and its location with respect to adjacent residential uses. Each applicant for an outdoor alcohol beverage license shall accurately describe the outdoor seating area and shall indicate the nature of fencing or other measures intended to provide control over the operation of the outdoor seating area. The plan commission shall review all proposed outdoor alcohol beverage licenses to determine if they are harmful, offensive or otherwise adverse to the surrounding neighborhood and shall recommend that the license be granted as requested, modified or denied. It goes on to say that The building inspector shall verify that criteria established the plan commission and the landmarks commission are met prior to issuance of an outdoor alcohol beverage license. No amplified sound or music is permitted outside the enclosed (building) premises. Amplified sound or music is not permitted in the outdoor seating area, subject to subsection (e) herein. There shall be a licensed operator with the outdoor seating area at all times while in operation. There shall be a \$50.00 fee for an outdoor alcohol beverage license.

It appears that the previous owner/operator of this property/use did have some form of a permission for a small (+/- 1,185 sq. ft.) fenced outdoor seating and consumption area adjacent to the south edge of the concrete patio/bar entry area (see aerial photo image below).

Limited information is provided at this time to define the precise physical limits of the proposed alcohol consumption areas on a scaled site plan. There does not appear to be a clear plan for the installation of a perimeter containment boundary – typically fencing of some sort, around the consumption area.

2022 Ozaukee County GIS Aerial Map View – Sierzant Site



2022 Ozaukee County GIS Aerial Map View – Sierzant Site Zoom





Recommendation:

The Planner recommends the following conditions be considered for attachment to any approval the Planning Commission may be inclined to grant in this matter:

- 1) If the Plan Commission believes that the preexisting outdoor alcohol consumption area operated by the previous owner has legal nonconforming status, then the Commission may determine to make a recommendation to the Common Council for resumed use of that same area for outdoor alcohol consumption under the new ownership – subject to whatever conditions the Plan Commission feels would be appropriate. Please note that the old fencing that used to surround the old outdoor consumption area has now been removed from the site, so the area is not screened or contained in any way at this time.
- 2) If the Plan Commission and Common Council desire to consider permitting a new or expanded area for outdoor alcohol consumption at this site, the planner believes the Code must first be amended to list that use as either a permitted, accessory or conditional use in the B-2 District. Once the Code is so amended, then the applicant could return with his request for new or expanded outdoor alcohol consumption space at this site.



OUTDOOR ALCOHOL BEVERAGE LICENSE APPLICATION

City of Cedarburg
W63N645 Washington Avenue
PO Box 49
Cedarburg WI 53012
262-375-7600

pd 8-21-24
CC \$50

Under the provisions of [Chapter 125, Wis. Stats.](#), the applicant **must** be in possession of a current Class "B" license.

Name of the individual, partnership or corporation with current Class "B" license:

Sierzant LLC

Premises Address: 149 W 54th Portland Rd
Cedarburg, WI 53012 Phone: 414-213-8407

Agent (if corporation): Seth Dehne Email: sethdehne@yahoo.com

Describe in detail the outdoor area intended for service of alcoholic beverages; also, include a copy of the site plan indicating the exact placement of the outdoor area in relation to the site as a whole. **Please note, this site plan must be included with this application in order to be considered for approval.**

sent via Email to Mary Tracie Jessica

In the space provided, please indicate the nature of fencing and other measures proposed to ensure proper control over this outdoor serving area.

sent via Email to Mary Tracie Jessica

Total square footage of following areas: Outdoor Service 5,400 Licensed Premise 6,400

Please check to indicate that you have read and understood the following statements:

- ☒ No amplified sound or music is permitted outside of the building unless a separate Temporary Amplified Music and Sound Permit has been filed and approved by the Common Council.
- ☒ Outdoor serving area must be completely enclosed with a fence or other measures.
- ☒ A licensed operator must be in attendance at all times during operation.
- ☒ This form is considered to be an application for a license; the license will not be valid until all required approvals have been given.

Signature: [Signature] Date: 8-20-24

Print Name/Title:

****Please return this completed application with site plan and \$50 fee to the City Clerk's office****

Note, once approval is given this license will be valid from July 1 thru June 30 of the following year and become part of the premise description after the first year unless specified otherwise during the approval process.

FOR OFFICE USE ONLY (please forward a copy to the Planning department along with site plan)

Application Fee: \$50 Date Paid: 8-21-24

	Date of Review	Granted	License Modified	Denied	Comments
Police Dept		☐	☐	☐	
Landmarks Commission (if HPD)		☐	☐	☐	
Plan Commission		☐	☐	☐	
Common Council		☐	☐	☐	

Date of Notice to Property Owners within 150 feet of establishment: _____

License No: _____ Date License Issued: _____ Tax Key No: _____



LAND DEVELOPMENT APPLICATION

PROPERTY LOCATION/ADDRESS: N49W5471 Portland Rd. Cedarburg, WI 53012

APPLICANT/BUSINESSNAME: Sierzant LLC

APPLICANT/BUSINESS ADDRESS: 1977 Shasta Ave. Grafton WI 53024

STATUS OF APPLICANT: ☒ OWNER ☒ AGENT ☐ BUYER ☐ OTHER _____

PHONE: 414-213-8407 EMAIL: SierzantCedarburg@gmail.com
sethdehne@yahoo.com

PROPERTY OWNER (IF DIFFERENT): MOFRD LLC

PROPERTY OWNER MAILING ADDRESS: N69W6171 Bridge Rd. Cedarburg, WI 53012

PROPERTY OWNER PHONE: 262-424-9888 PROPERTY OWNER EMAIL: Lance@twmke.com

REQUEST FOR (CHECK ALL THAT APPLY):

☒ CONCEPT REVIEW

☒ CONDITIONAL USE ZONING

☐ SITE/ARCHITECTURAL PLAN APPROVAL

☐ ANNEXATION REQUEST

☐ SUBDIVISION PLAT OR CSM REVIEW

☐ VARIANCE/BOARD OF APPEALS

☐ ZONING DISTRICT CHANGE

☐ OTHER _____

DESCRIBE REQUEST: Resume previous approved use as a bar/cocktail lounge/Tavern and patio under new business and Property Ownership. Sierzant LLC is the new business. Looking for ~~live~~ live music 2-3 times a week and a new patio with Bocce ball Courts and Bags.

PLEASE SUBMIT: FIVE (5) COPIES OF WRITTEN DESCRIPTION OF PROPOSAL OR REQUEST FOR CITY STAFF REVIEW
FIVE (5) FULL SETS OF SUPPORTING DRAWINGS, SKETCHES OR SURVEY MAPS FOR CITY STAFF REVIEW
THIRTEEN (13) SETS OF PLANS (11" x 17" MAX) FOR PLAN COMMISSION REVIEW

The undersigned certifies that he/she has familiarized themselves with the State and Local codes and procedures pertaining to this application. The undersigned further hereby certifies that the information contained in this application is true and correct. This application shall be signed by the property owner(s).

PROPERTY OWNER(S) SIGNATURE: _____

DATE: 8/6/2024

FOR CITY STAFF USE ONLY

TOTAL FEE: \$ _____ (SEE FEE SCHEDULE ON REVERSE PAGE) DATE FEE PAID: _____

APPLICATION AND FEE RECEIVED BY: _____ PLAN COMMISSION MEETING DATE: _____

ATTACHMENTS (CHECK IF RECEIVED):

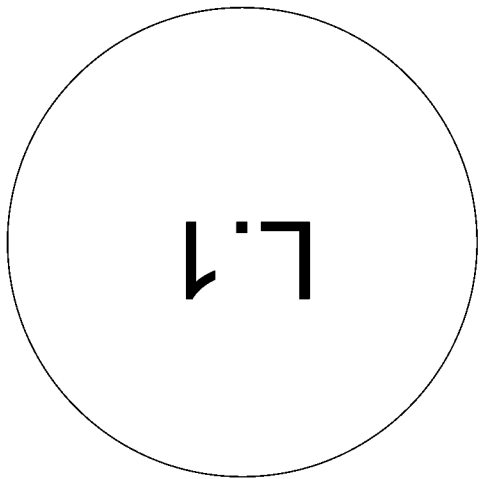
☐ FIVE DESCRIPTIONS

☐ FIVE FULL-SIZE SETS

☐ THIRTEEN PLAN SETS

PROPERTY TAX KEY NO/PLAN COMMISSION FILE NO: _____

ZONING: _____ ALDERMANIC DISTRICT: _____ PREVIOUS MEETING: _____



File Number	
Job Number	
Date	August 7, 2024

Sierant
N49W5471 Portland Road
Cedarburg, WI 53012



Northern Exposure Landscaping
Office: 262-242-3877
office@northernexposureid.com

Designed by	Milana Mkalj
Created by	
Checked by	
Sheet Title	
Beer Garden Gravel Area	

From: [City of Cedarburg - Mary Censky](#)
To: [Sethdehne](#)
Subject: RE: Sierzant landscape design
Date: Wednesday, August 14, 2024 10:24:00 AM
Attachments: [image001.png](#)

Thank you for sending this over, **Seth**.

Here are the [Application and Guidelines for Approval of Outdoor Alcohol Beverage License](#). I think Tracie had said that you may already have this paperwork – I'm not sure if you've returned it to her yet, but I wanted to point out a couple of important details, from the Plan Commission review side, about this Application and Guidelines as follows:

- The Sierzant site is not located in the B-3/HPD District so Landmarks Commission will not be involved in this project review.
- The Plan Commission is required to review and make a recommendation to the Common Council whether to issue the Outdoor Alcohol Beverage License.
- The primary responsibility of the Plan Commission in their review of this License Application is concerned with 'determining whether the use will have an adverse impact on the surrounding neighborhood'.
- To that end, please provide the following additional details to the plan you attached as follows:
 - Increase the size of your site plan, set it to a useable scale and add dimensions to as many of the displayed features as possible.
 - Define what the brown rectangles are exactly – looks like a picnic table or a table and chairs,...
 - Will there be any outdoor lighting? If yes, please provide those details.
 - Do you intend that people can consume alcohol at all of the picnic tables shown, and at the bocce courts? Please note that in the Application and Guidelines, it says that the *entire* outdoor serving area must be completely enclosed with a fence, wall, landscaping or other materials/measures. It appears you are proposing just a mulch boundary at this time while identifying a future fence. Please provide details as to when in the future that fence would be installed and provide better information about the future fence, such as height, materials, and style/design. If you are planning that people sitting at the tables shown on the grass outside of/south of the gravel and stone base area or the people playing bocce might also be having alcohol beverages, I believe those areas would have to be within the enclosed boundary as well.
 - Please provide the plan view details for the future split rail fence you show on the plan (height, materials,..). Also, please describe what you mean when you say it's to be installed in the future.
- What are the proposed days and hours for use of the outdoor alcohol beverage area and

the bocce courts?

- In a previous message you had mentioned that you may be proposing some form of outdoor entertainment. I'm not sure if that just means the bocce courts, or if you might be referring to outdoor music. I'll just add here that amplified outdoor music is a special exception that you'd need to request as a part of the Outdoor Alcohol Beverage License. If it's not specifically requested, it appears to be prohibited ([ref Section 7-2-17\(b\) of the Code](#)). If you do intend to request amplified outdoor music, you can preview the related regulations at Section 7-2-17(e)(1)-(11).

If you can provide all of the above information timely, we could put your Outdoor Alcohol License (including amplified outdoor music exception, if requested) on the agenda for consideration at the September 4th Plan Commission meeting.

On a separate track from the Outdoor Alcohol Beverage License matter, is the Conditional Use Permit (CUP) request to operate the sites/buildings in the new Sierzant business name and under new property ownership. The proposed expansion of the outdoor seating area and addition of bocce courts is considered a site plan amendment. The Plan Commission will address those changes as a part of the CUP request. The same supplemental plans, materials, and information as bullet-pointed above will be needed. Additional information, including the location(s) for patron parking at the site, the location and manner of screening for any dumpsters you plan to keep at the site, and any other changes you are contemplating to the site or exterior of the buildings, should be reflected in your plans. Section 8-3-5 of the Code requires that the location and screening of the dumpsters be approved by the Building Inspector.

I could accept these plans as late as August 21st and still have time to review and include them in the Plan Commission packet.

I hope this information is helpful to you and look forward to working with you to get all the required plans and permits through the review and approval processes as swiftly as possible.

Kindly,

Mary

Mary Censky, City Planner
Cedarburg, WI 53012-0049
mcensky@cityofcedarburg.wi.gov
262-375-7614

From: [Seth Dehne](#)
To: [City of Cedarburg - Mary Censky](#); [Sierzant Wine Bar](#)
Subject: Re: Sierzant landscape design
Date: Tuesday, August 20, 2024 5:04:13 PM
Attachments: [Sierzant Design2.pdf](#)
[image001.png](#)
[Sierzant Outdoor alcohol beverage license description.docx](#)

Attached is a tweaked design and also a letter explaining all aspects of the patio per your email below.

As for CUP permit we would like to utilize the hut for a small bar quick service.

As for the dumpsters they will stay in the dumpster barn on the east side of the garage. I believe they are only visual from Portland RD.

Seth Dehne.

[https://link.edgepilot.com/s/f73a6715/UZAHJZvANU67Lz2QHMODVg?
u=http://www.mindsetinvestors.com/](https://link.edgepilot.com/s/f73a6715/UZAHJZvANU67Lz2QHMODVg?u=http://www.mindsetinvestors.com/)

Mindset Investors - Real Estate Investing Group

DBProperties - Airbnb, VRBO, Commercial Real Estate

Ridge Creek Realty- Commercial Division license #97875-94

RWB- Buckhead Saloon

90s2K Cafe

Lucky Clover

Elbow Room -Brookfield

Sierzant- Cedarburg

Service Industry Network

On Wednesday, August 14, 2024 at 10:26:10 AM CDT, City of Cedarburg - Mary Censky <mcensky@cityofcedarburg.wi.gov> wrote:

Thank you for sending this over, **Seth**.

Here are the [Application and Guidelines for Approval of Outdoor Alcohol Beverage License](#). I think Tracie had said that you may already have this paperwork – I'm not sure if you've returned it to her yet, but I wanted to point out a couple of important details, from the Plan Commission review side, about this Application and Guidelines as follows:

- The Sierzant site is not located in the B-3/HPD District so Landmarks Commission will not be involved in this project review.
- The Plan Commission is required to review and make a recommendation to the Common Council whether to issue the Outdoor Alcohol Beverage License.
- The primary responsibility of the Plan Commission in their review of this License



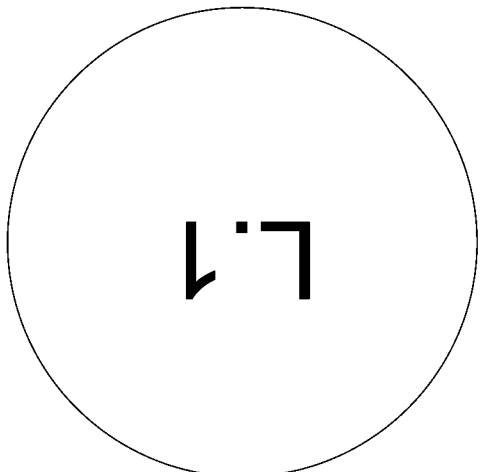
Beer Garden Gravel Area		
Sheet Title		
Designed by	Milana Mkalj	
Created by		
Checked by		

Northern Exposure Landscaping
Office: 262-242-3877
office@northernexposureld.com



Sierant
N49W5471 Portland Road
Cedarburg, WI 53012

File Number	
Job Number	
Date	August 7, 2024



Plan Commission,

In our application for Approval for outdoor Alcohol Beverage license I am attaching the below description along with a picture of the patio layout. As this location has been a community gathering spot as a bar/tavern and formerly an Inn over its 30 plus years in operation, we hope to bring similar vibrancy to the neighborhood area and a new option to the city.

In regards to the patio and amplified music we would like to take the already approved location and expand its usable footprint to provide more seating space and activities

An 8 ft Cedar fence line will extend east from the current gate located in the middle of the building to approximately 25ft east stopping close to a large oak tree. It will then extend south east approximately 40 feet along the west wall of the garage to the sections of trees that it turns to the west at an almost 45 degree angle and stops. The already standing 8ft Visual fence blockades along the south property line will stay. We will continue the south property line by filling visual gaps with dirt berm and thick lush plantings at or above the 8ft line. Thuja green giants are a successful visual, audio and physical blockade to provide neighbors with no sightline to the patio and physical separation.

We are open to conversations with the 2 neighbors to the south to discuss the natural berm and live plantings it contains. If a physical fence is more desirable we are open. On the Western line of the property is a 4 ft cedar dual split rail fence located approximately 3 feet from the current parking lot and extends along the property line to the south connecting to the berm providing a natural an physical surrounding encompassing the entire patio.

As you can see in the attached drawing we will have a Cedarburg first of 2 40 ft turf bocce ball courts surrounded by railroad ties bringing in the local surroundings. Positively, due to sloping and level grading the turf would not be fully visual from Portland road. It will not be visual between the fence and railroad ties will be a mulched down slope to small retaining wall. The beautiful magnolia tree would provide shade to the area. Inside the mulch will be perennial plantings of flowers and grasses such as black eyed Susan and fescue grasses while adding a few junipers for height. That mulch line will wrap the entire exterior of the patio into where the mulch line will meet traffic bond filling. We will use the cream colored traffic bond to fill majority of the patio and then add ravens dust traffic bond which is a black material. Ravens dust will outline walkways for aesthetics and visual guidance. You would follow the black ravens dust pathways to 3 -4 seating areas designed for relaxation and conversation. Adirondacks around a propane fire for one section. 3-4 Cushioned couches in another seating area. Large family table outdoor patio with cushioned chairs and umbrellas at another. Multiple bean bag areas to the east side of the fence line as well. The red rectangles / boxes on the Traffic bonded patio will be wrought iron tables and chairs with cushions. Umbrellas available for those who do not want sun. On the grass above would be 4 wood picnic tables to provide shaded seating and a beer garden atmosphere. We would provide a shaded bean bag area to the south of those as well located near the berm line.

We will fix the roof on the hut with a local roofer and look to utilize it for television watching outside for a packer game, world cup game or something of that nature. The 90/45ft patio will be focused on relaxing outside while playing some backyard games with a family friendly environment. We would copy the last property owner and only have 2 speakers outside to provide amplified ambiance music. We would place the speakers on the east fence line so that sound travels away from the southern neighborhood. Very similar to what was previously there.

Café string lighting will extend from a central pole out to 6-8 outer support posts to provide needed lighting outside and safety.

We would allow people to consume alcoholic beverages at all seating locations, bocce ball courts and bags areas.

Hours of patio operation would be 4pm to 9pm Monday-Wednesday. 4-10pm Thursday and then 10am to 10pm Friday Saturday and Sunday from 10am -6pm.

In an approval for outdoor amplified music we would like to allow single or duet member artists to be allowed to provide live music on Thursday, Friday and/or Saturdays as well. We would look out towards common nights that Cedarburg is already vibrant like a summer sounds evening and provide music at those times along with an off day every now and again. All music would be held to a reasonable level as not to disturb the neighborhood and be respectful of our neighbors.

Thank you for taking the time to review this request. We look forward to bringing a new twist and class to the city and county.

Joe Nowak, Seth Dehne and Jake Dehne

PLANNERS REPORT

To: City of Cedarburg Plan Commission

By: Mary Censky

Date Prepared: September 4, 2024

General Information:

Agenda Item: 7.D.

Applicant/Property Owner:

Peter and Laurie Wegner.

Requested Action:

Approval of a waiver to permit more than 720 sq. ft. of total/cumulative space in detached storage structures on one property.

Current Zoning:

Rs-4 Single-Family Residential

Current Master Plan Classification:

Medium Density Residential

Surrounding Zoning/Land Use:

North: Rs-4 Single-Family Residential

South: Town of Cedarburg

East: Rs-4 Single-Family Residential

West: Rd-1 Two-Family Residential

Lot Size:

~ .96 acres (41,817 sq. ft.)

Location:

W71 N1046 Washington Avenue

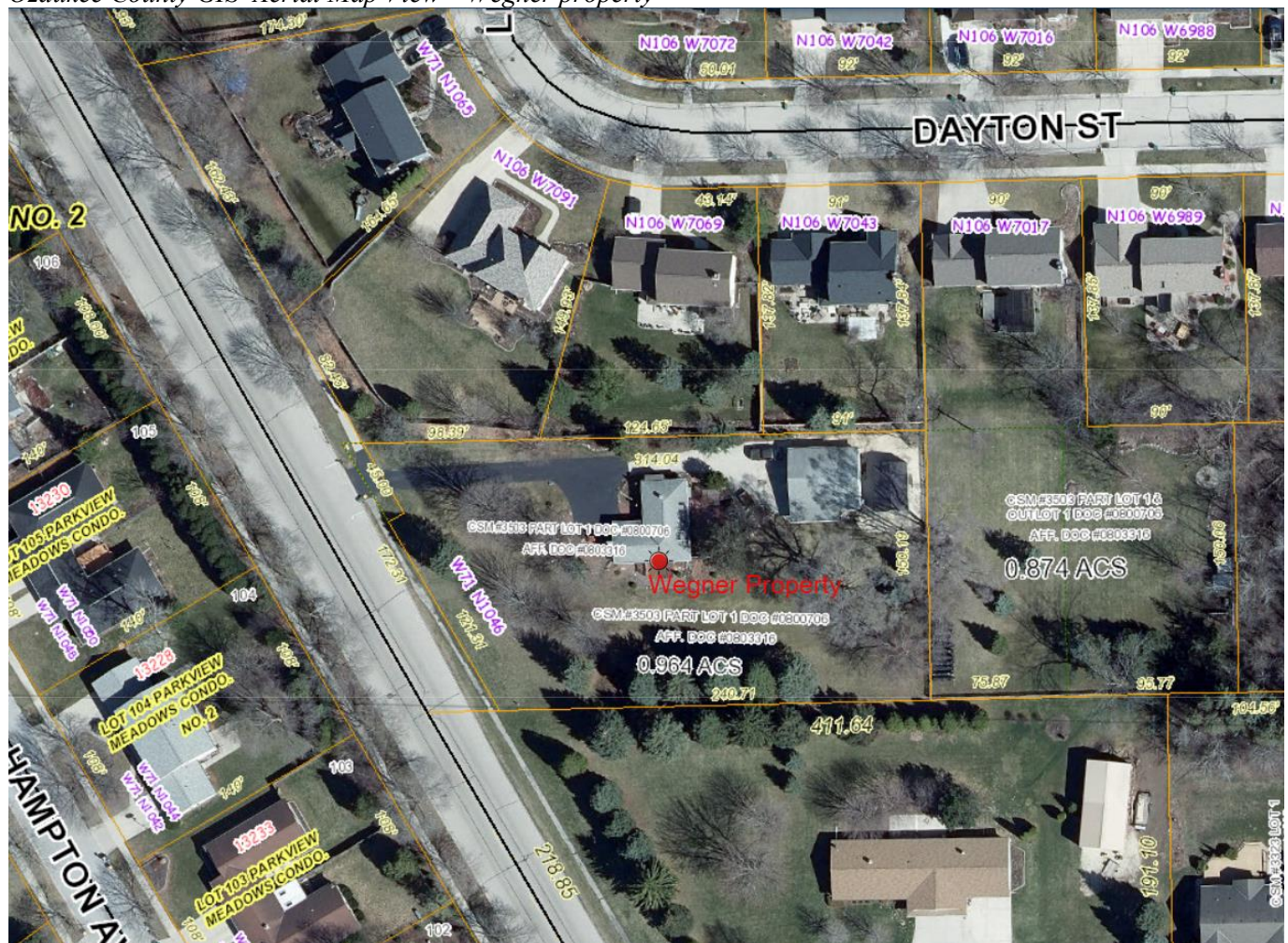
Discussion:

Section [13-1-101\(g\)](#) of the City Zoning Code provides that “All accessory structures combined, in a single-family and two-family residential district, shall not exceed 720 square feet in area”. This same paragraph goes on to say that “Appeals for a waiver to the restriction on the size of accessory structures shall be made to the Cedarburg Plan Commission”.

The applicants currently have approximately 1,200 sq. ft. of accessory structures on this site (see the applicant’s narrative for detailed description). At this time, they’d like to add one additional structure, 10’ x 14’, adding 140 sq. ft. to their existing overage. The new total square footage in detached accessory structures would now be ~1,340.

In the Rs-4 District, the required minimum required lot size is 10,000 square feet. The applicant's lot is 41,817 sq. ft. in area.

Ozaukee County GIS Aerial Map View – Wegner property



The Planner recommends the following conditions be attached to any approval the Plan Commission may be inclined toward granting in this matter:

- 1) Applicant to receive a variance approval from the City Board of Appeals as to adding a third detached accessory storage structure to this site where a maximum quantity of two is permitted by Code.

- 2) Issuance of a building permit if/as may be required from the City Building Inspector prior to placement of the structure at this site.
- 3) The structure, if ultimately permitted, must comply in all other respects, such as building height, setbacks, and separations as setforth in Section [13-1-101\(g\)](#) of the City Zoning Code.



LAND DEVELOPMENT APPLICATION

PROPERTY LOCATION/ADDRESS: W71N1046 WASHINGTON AVE.
APPLICANT/BUSINESSNAME: Pete & Laurie Wegner
APPLICANT/BUSINESS ADDRESS: Same as above
STATUS OF APPLICANT: ☒ OWNER ☐ AGENT ☐ BUYER ☐ OTHER _____
PHONE: 262-622-3399 EMAIL: LAURELLA4401@SBCGLOBAL.NET

PROPERTY OWNER (IF DIFFERENT): _____

PROPERTY OWNER MAILING ADDRESS: _____

PROPERTY OWNER PHONE: _____ PROPERTY OWNER EMAIL: _____

REQUEST FOR (CHECK ALL THAT APPLY):

- | | |
|---|---|
| ☐ CONCEPT REVIEW | ☐ CONDITIONAL USE ZONING |
| ☐ SITE/ARCHITECTURAL PLAN APPROVAL | ☐ ANNEXATION REQUEST |
| ☐ SUBDIVISION PLAT OR CSM REVIEW | ☒ VARIANCE/BOARD OF APPEALS |
| ☐ ZONING DISTRICT CHANGE | ☐ OTHER _____ |

DESCRIBE REQUEST: Requesting 3rd detached accessory structure
& total max accessory structure sq. footage of
1,340^{sq}. Section 13-1-101(g) says only 2 max
detached structures and max total 720^{sq} of accessory struc.

PLEASE SUBMIT: FIVE (5) COPIES OF WRITTEN DESCRIPTION OF PROPOSAL OR REQUEST FOR CITY STAFF REVIEW
FIVE (5) FULL SETS OF SUPPORTING DRAWINGS, SKETCHES OR SURVEY MAPS FOR CITY STAFF REVIEW
THIRTEEN (13) SETS OF PLANS (11" x 17" MAX) FOR PLAN COMMISSION REVIEW

The undersigned certifies that he/she has familiarized themselves with the State and Local codes and procedures pertaining to this application. The undersigned further hereby certifies that the information contained in this application is true and correct. This application shall be signed by the property owner(s).

PROPERTY OWNER(S) SIGNATURE: Pete Wegner DATE: 8/8/24

FOR CITY STAFF USE ONLY

TOTAL FEE: \$ _____ (SEE FEE SCHEDULE ON REVERSE PAGE) DATE FEE PAID: _____

APPLICATION AND FEE RECEIVED BY: _____ PLAN COMMISSION MEETING DATE: _____

ATTACHMENTS (CHECK IF RECEIVED):

- | | | |
|--|--|---|
| ☐ FIVE DESCRIPTIONS | ☐ FIVE FULL-SIZE SETS | ☐ THIRTEEN PLAN SETS |
|--|--|---|

PROPERTY TAX KEY NO./PLAN COMMISSION FILE NO: _____

ZONING: _____ ALDERMANIC DISTRICT: _____ PREVIOUS MEETING: _____

To: Cedarburg Officials/Planning Commission

My wife and I are seeking a waiver to City Ordinance Section 13-1-101 Yards. This ordinance restricts square footage and number of accessory structures allowed, per property. We would like to place a pre-made 10'x14' shed on our land. Elevations and spec's attached. The following are the reasons why we ask you to consider our proposal:

1) We live in a 1400 sq ft home, with no basement. We presently have 2 accessory buildings on our property, consisting of a detached garage and a 3yo steel building, with a combined total of approx. 1200 sq ft. Subtracting about 600 sq ft for parking 2 vehicles, that leaves 600 sq ft for storage.

The garage holds a freezer, workbench, rolling toolbox, assorted power tools, coolers, tarps, grill and lawn care equipment. Additionally, it stores what would normally be found in a basement; luggage, folding tables, small appliances, camping equipment, assistive devices and seasonal decor. The shed, most recently built, has helped clear up the yard and houses another car, motorcycle, bikes, wheelbarrow, patio furniture, ladders, extra lumber, a 60" riding lawnmower with a 48" snowblower and cab attachment.

2) The shed we wish to purchase is 140 sq ft. The actual storage space would then total 740 sq ft, which is still about only 1/2 of the space we would have should our home have a full basement. It is a hardship not having the extra space.

3) We feel our property is unique to the City of Cedarburg due to the large parcel of land, measuring slightly less than 1 acre, at 41,992 sq ft. The total square footage, of all buildings (including home), is 2800 sq ft, well under the 30% stated limit of 12,597 sq ft for lot coverage in Zone RS4.

4) We have lived in this home for 40 yrs. and have made numerous improvements in the landscape. There are many mature trees and gardens, recently planting more Cedars and Pines to create a pleasant green barrier to Washington Avenue. We take great pride in our yard, having won the Mayor Enhancement Award in 2018. The shed would be placed in the SE corner of the backyard, noted on aerial view photo, with appropriate setbacks. Aesthetically pleasing, it would be thoughtfully placed and maintained on a gravel base, perimeter edged with timbers, and landscaped to blend with the rest of the yard. It would be used by my wife as her SheShed for respite, and for storing and working on the numerous crafts that have taken over our dining space.

5) Included are letters from both neighbors, to the east and south, who would be exposed to the shed. Both have gladly approved.

We don't want to set a precedent in having another structure, but hope you can appreciate the extraordinary circumstances our unique property presents, and allow us this variance.

Thank you for your consideration,
Pete and Laurie Wegner

Pete Wegner 8/8/24
Laurie Wegner 8/8/24



PROPOSAL

No. 104481

Page 1 of 2

MW SHEDS

262-483-1892

mwsheds@gmail.com ■ 9642 State Road 144 ■ Boltonville – Display Lot
P.O. Box 253 ■ Adell, WI 53001 – Office Mailing Address

CUSTOMER NAME: Laurie Wegner	PHONE: 715.853.3588	DATE: 07/16/2024
ADDRESS: W71 N1046 Washington Ave	EMAIL ADDRESS: laurella4401@sbcglobal.net	
CITY, STATE, ZIP: Cedarburg, WI 53012	DELIVERY LOCATION: Cedarburg, WI	

10 x 14 Enhanced Gable Style Shed

Includes:

- Steel roof – Light Gray
- Enhanced roof - 7/12 pitch, 10" overhangs all sides, 6" fascia, and closed soffits
- 7' Sidewalls w/LP® SmartSide® 76 Series cedar texture wood panel siding w/vertical lines
- Painted – Extra White or any Sherwin-Williams or major brand color
- LP® trim – Extra White or any Sherwin-Williams or major brand color
- ¾" tongue & groove plywood floor, 2"x4" treated wood floor joists 16" OC, 4 - 4"x6" treated skids
- Wood single door w/door trim – Box style
- 1 – Transom window in door – White
- 3 – 24"x36" Windows – White
- 1 – 30"x36" Window – White
- 2 – Decorative wall vents – White

Delivery

Sub-total

Sales tax (@5.5%)

Total

Deposit at ordering

Balance due at delivery

Notes:

- Custom order sheds are built and delivered in the order deposits are received.
- Pending site inspection.

CONDITIONS:

- Deposit due at ordering. Balance due at delivery.
- Any survey or permits are the responsibility of the customer. MW Sheds will provide drawings to the customer with a deposit.
- The deposit for custom order buildings is not refundable. The deposit can be held during permit approval.
- This proposal may be withdrawn by MW Sheds if not accepted within 30 days of the proposal date.
- If paying by credit card a 3.5% transaction fee will be charged.
- Delivery includes leveling the building on blocking only. Delivery does not include site preparation (gravel or concrete), shed anchoring, or leveling ramps unless specified.
- MW Sheds is not responsible for damage caused by failure to remove obstructions. Tree trimming/removing obstructions per MW Sheds Instructions are the responsibility of the customer.
- MW Sheds is not responsible for lawn/yard damage. Efforts are made to avoid delivery in adverse conditions.
- If delivery is delayed by the customer, the balance is due within 30 days of shed completion.
- Buildings are the property of MW Sheds until paid in full. MW Sheds may repossess buildings with unpaid balances.

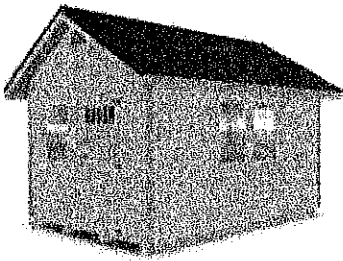
ACCEPTANCE OF PROPOSAL: The prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined.

X _____ Date _____

PROPOSAL

No. 104481

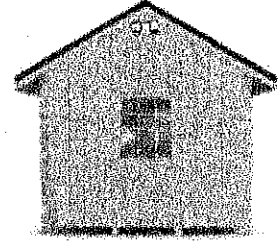
Page 2 of 2



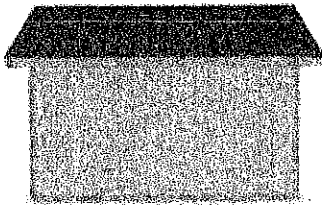
Perspective



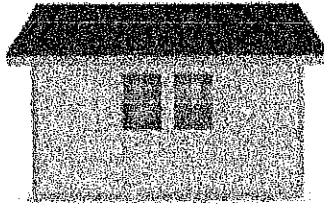
Front



Back



Left



Right

Note: The mockup is an approximation of the building. The actual building's options, colors, textures, and components may vary slightly from this rendering.

July 8, 2024

Cedarburg Officials,

I have been asked my feelings on my back yard neighbors, Pete and Lauriea Wegner, building a small shed in their back yard.

I know they do not have a basement under their home to enjoy and use as I and most Cedarburg residents do. The south side of their back yard is secluded from my back yard by a line of trees.

The Wegners are wonderful considerate neighbors, who keep their buildings and large yard well maintained.

I have "absolutely no objection" to them having a shed to serve them as my basement serves me.

Sincerely

Lila Bast

7016 Susan Ln.

Cedarburg, WI

7-23-2024

Dear Cedarburg City Official,

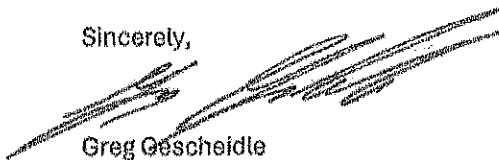
It is my understanding that Pete and Laurie Wegner of W71 N1046 Washington Ave in Cedarburg would like to add a storage shed to their property. My property at N106W7017 Dayton St. borders the East side of their property.

I respect the need for building codes and appreciate that it helps to maintain standards of safety and appearance. However, Pete and Laurie are very thoughtful in the management of their property and do an excellent job maintaining the appearance. In fact, I would say their property raises the standard in the neighborhood. They are thoughtful, respectful and caring neighbors.

Because they have no basement and limited storage, I would be very supportive of allowing them to add a storage shed and have no concerns about the appearance.

Please feel free to reach out to me with any questions.

Sincerely,



Greg Gescheidle

N106W7017 Dayton Street

262-685-8498

W/1 N1046



Legend	
	Tax Parcel
	Gap
	Overlap
	Historical Parcel Lines
	Assessors Plat
	CSM
	Cemetery Plat
	Condominium Plat
	Subdivision Plat
	Plat of Survey
	US Highway
	State Highway
	County Road
	Ramp
	Private Road
	Town/Public Road
	Railroad Centerline

2022

Product of the LAND INFORMATION OFFICE

7/12/2024, 3:08:26 PM

7/12/2024, 3:08:26 PM



DISCLAIMER: This map is not a substitute for an actual field survey or on-site investigation.



PLANNERS REPORT

To: City of Cedarburg Plan Commission

By: Mary Censky

Date Prepared: September 4, 2024

General Information:

Agenda Item: 7.E.

Applicant:

Jeffrey Stoeger d/b/a Cold
Country Vines & Wines

Property Owner(s):

G H Wirth Inc. (and Five
Seventeen LLC)

Requested Action:

Recommendation for approval of
off-premises, pylon-type, parking
sign.

Current Zoning:

B-3 Community Business District
w/ partial Historic Preservation
Overlay (HPO) District

Current Master Plan Classification:

Commercial

Surrounding Zoning/Land Use:

North: B-3 w/ (HPO)

South: B-3 w/ (HPO)

East: B-3 w/ (HPO)

West: B-3

Lot Size:

N/A

Location:

W61 N513&N517 Washington
Avenue

Discussion:

The applicant's Cold Country Vines & Wines business is principally located at W61 N517 Washington Ave. They have an agreement that allows them/their patrons to use the parking area at W61 N513 Washington Avenue site. There is some commonality of underlying ownership between these two sites.

Google Map View of the existing abandoned pylon sign



According to [Section 15-5-10 of the City Code](#), it appears that this sign meets the definition of an abandoned sign and could have been ordered removed some time ago. The City has never pursued enforcement to that effect.

In it's current condition, this sign is legal nonconforming as to type because [Section 15-5-14 of the Code](#) does not list pylon signs as a permitted sign-type in the B-3 Community Business District. Section 15-5-15 of the Code states that 'legal nonconforming signs may continue unless [among other things possibly] a building or place of business is occupied by a new tenant or owner of the business'. That 'unless' may be what has transpired here.

It is not possible to tell with certainty/survey accuracy, whether this sign is indeed on the property located at W61 N513 Washington Avenue, but it does appear to be, based on the Ozaukee County GIS Aerial Map views.

[Section 15-5-11](#) of the Code prohibits "Off-premises signs which advertise goods, products, facilities or services not located on the premises where the sign is installed and maintained. The applicant maintains that his need to use this sign is not so much for advertising purposes as for directional purposes since his off-street parking area is difficult to see or even notice from Washington Avenue as you drive by.

The Plan Commission is the designated authority for appeals/waiver of the terms of the Sign Code.

Recommendation:

On August 22, 2024, the Landmarks Commission recommended that this request to continue use of this sign as an off-premises, parking lot directional sign be approved by the Plan Commission subject to the following provisions/conditions:

- 1) The Commission recommends approval of the sign and considers it to be legal nonconforming at this time.
- 2) Applicant to provide confirmation that this sign is indeed located on the property located at W61 N513 Washington Avenue, prior to issuance of a sign permit.
- 4) This sign shall not be internally illuminated. If the sign is to be externally illuminated, the details of this proposed lighting solution shall be presented to the Landmarks Commission for review and approval prior to lighting the sign.
- 5) Applicant to secure his Sign Permit from the Building Inspector prior to any work toward adding content to his sign.

If the Plan Commission is inclined toward an approval in this matter, the Planner recommends the following, additional conditions, be attached:

- 1) The condition of sign display surface and structure shall be cleaned and restored prior to placing new content on the sign face.
- 2) The sign shall be limited to directional off-street parking guidance as its primary purpose (vs advertising). The business names shall be a subordinate element within the sign.
- 3) If/when Cold Country Wines & Vines and/or Real Fitness no longer have an off-street parking permission at W61 N513 Washington Avenue, the sign content shall promptly be removed.



LAND DEVELOPMENT APPLICATION

PROPERTY LOCATION/ADDRESS: W61 N513 Washington Ave
APPLICANT/BUSINESSNAME: Cold Country Vines & Wines
APPLICANT/BUSINESS ADDRESS: W61 N517 Washington Ave
STATUS OF APPLICANT: ☐ OWNER ☐ AGENT ☐ BUYER ☒ OTHER Leasee
PHONE: 920 304 0270 EMAIL: JStoeger@Tds.NET

PROPERTY OWNER (IF DIFFERENT): Five Seventeen LLC (Doreen Wirth)
PROPERTY OWNER MAILING ADDRESS: N48 W6100 Spring ST Cedarburg 53012
PROPERTY OWNER PHONE: 414 333 8888 PROPERTY OWNER EMAIL: unknown

REQUEST FOR (CHECK ALL THAT APPLY):

- | | |
|---|--|
| ☐ CONCEPT REVIEW | ☐ CONDITIONAL USE ZONING |
| ☐ SITE/ARCHITECTURAL PLAN APPROVAL | ☐ ANNEXATION REQUEST |
| ☐ SUBDIVISION PLAT OR CSM REVIEW | ☐ VARIANCE/BOARD OF APPEALS |
| ☐ ZONING DISTRICT CHANGE | ☒ OTHER _____ |

DESCRIBE REQUEST: Clean up and place content on a pre-existing content free pylon sign located at W61 N513 Washington Ave.

PLEASE SUBMIT: FIVE (5) COPIES OF WRITTEN DESCRIPTION OF PROPOSAL OR REQUEST FOR CITY STAFF REVIEW
FIVE (5) FULL SETS OF SUPPORTING DRAWINGS, SKETCHES OR SURVEY MAPS FOR CITY STAFF REVIEW
THIRTEEN (13) SETS OF PLANS (11" x 17" MAX) FOR PLAN COMMISSION REVIEW

The undersigned certifies that he/she has familiarized themselves with the State and Local codes and procedures pertaining to this application. The undersigned further hereby certifies that the information contained in this application is true and correct. This application shall be signed by the property owner(s).

PROPERTY OWNER(S) SIGNATURE: _____

DATE: 8-26-2024

FOR CITY STAFF USE ONLY

TOTAL FEE: \$ _____ (SEE FEE SCHEDULE ON REVERSE PAGE) DATE FEE PAID: _____

APPLICATION AND FEE RECEIVED BY: _____ PLAN COMMISSION MEETING DATE: _____

ATTACHMENTS (CHECK IF RECEIVED):

- ☐ FIVE DESCRIPTIONS ☐ FIVE FULL-SIZE SETS ☐ THIRTEEN PLAN SETS

PROPERTY TAX KEY NO/PLAN COMMISSION FILE NO: _____

ZONING: _____ ALDERMANIC DISTRICT: _____ PREVIOUS MEETING: _____

City of Cedarburg Sign Permit Application

Applicant Jeff Stoeger Phone 920-776-1328
Address E 3207 Nuclear Rd. Kenosha E-mail info@coldcountrywines.com
Business Name Cold Country Wines & Wines LLC Phone 920-776-1328
Business Address W61 N517 Washington St. E-mail info@coldcountrywines.com
Sign Contractor Kemmel Design LLC Phone 920-948-5200
Is signage request in the Downtown Historic District? yes
(all permanent signage in the Downtown Historic District requires Landmark Commission approval)

Type of Sign

☒ Freestanding ☐ Wall ☐ Projecting ☐ Temporary ☐ Other

(describe) Existing pole mount sign - 2 sided / See attached

Sign Dimensions 45" x 72"

Sign Area 22.5 Sq. Feet

Ground Clearance 14 ft

Illumination (internal, external, none) None Zoning District Downtown

I certify that the information herein is true and correct. I agree to comply with all applicable sign codes, ordinances, and with the conditions of this approval. I acknowledge that I am responsible to ensure the proper installation of the sign in conformance with the Cedarburg Sign Code.

Applicant Signature Ron L. Kemmel

Date 7-31-2024

Office Use Only

Date complete set of information submitted to City: _____

Permit Fee: Permanent Sign \$75 Temporary Sign \$20 Date fee paid: _____

The signage, as submitted, does comply with specifications listed in the City of Cedarburg Sign Code. The aesthetic nature of the sign was not reviewed as part of this approval.

Building Inspector Signature _____

Date: _____

For signage in the Downtown Historic District:

Landmarks Commission Action: Approved Denied

Landmark Commission Approval Signature: _____

Date: _____

Permit # _____

Tax Key # _____

4/2015

Parking
For
Cold Country
Winery
& Real Fitness



FedEx

REVIEW, DISCUSSION AND POSSIBLE ACTION ON OFF-PREMISES, DIRECTIONALS PARKING SIGN REQUEST FOR COLD COUNTRY VINES AND WINES LLC AND LOCATED AT W61 N517 WASHINGTON AVENUE. TAX PARCEL NO. 13-050-0913-001. WARD/ALDERMANIC DISTRICT NO 3.

Jeffrey Stoeger stated that his customers do not know they can park in the lot just north of his building, and that parking can be a challenge along Washington Avenue. He believes that the sign can be used effectively to let his customers know that they may use the parking lot between the buildings. The building he is renting was once two buildings, now regarded as one building, and there was once a protected mall between the Cold Country building and the fitness studio, extending west. Mr. Stoeger shares taxes on the lot with Real Fitness.

The sign has been abandoned for some years, the city never asked for its removal. The sign is nonconforming, it does not physically meet today's sign code. Is there an issue with the sign from an aesthetic or historical standpoint for the district?

Commissioner Krimmel made a motion to approve the sign, Commissioner Forbes seconded the motion, contingent on the following criteria:

- 1) The Commission approves of the sign even though it is legal nonconforming at this time.
- 2) The applicant shall confirm/provide evidence that both the Cold County Wines and Vines business and the Real Fitness business actually have a portion of their business footprints located on the same premises as this existing sign.
- 3) Applicant to provide confirmation that this sign is indeed located on the property located at W61 N513 Washington Avenue.
- 4) This sign shall not be internally illuminated. If the sign is to be externally illuminated, the details of this proposed lighting solution shall be presented to the Landmarks Commission for review and approval prior to lighting the sign.
- 5) Applicant to secure his Sign Permit from the Building Inspector prior to any work toward adding content to his sign.

Motion carried without a negative vote. Commissioner Yip excused.

**Cold Country
Winery
& Real Fitness
Parking**



FedEx

OUTLINE REV1 (9-4-24)

UPDATE to Smart Growth Comprehensive Land Use Plan-2025

Plan Commission meetings

AUGUST 2024 – SEPTEMBER 2024

- Chapter 2 Housing – Review and Consider Draft Updates
- Smart Growth Areas 5, 9, 13, and 15 through 18 - Review and Consider Updates
- Identify any new Smart Growth Areas to be added north of Bridge Road
- Contract for Housing Study/Report
- Contract for Traffic Planning and Access Study

SEPTEMBER 2024 – OCTOBER 2024

- Chapter 2 Housing – Review and Consider Draft Updates
- Smart Growth Areas 5, 9, 13, and 15 through 18 - Review and Consider Updates
- Smart Growth Areas 1-4, 6-12, 14 and 19 (KNA 20)14 - Review and Consider Updates
- Identify any new Smart Growth Areas to be added south of Bridge Road
- Conducting Housing Study/Report
- Conducting Traffic Planning and Access Study
- Chapter 8 Land Use – Review and Consider Draft Updates

OCTOBER 2024 – NOVEMBER 2024

- Chapter 2 Housing – Review and Consider Draft Updates
- Receive and Consider Findings of the Housing Study/Report
- Smart Growth Areas 5, 9, 13, and 15 through 18 - Review and Consider Updates
- Smart Growth Areas 1-4, 6-12, and 14 - Review and Consider Updates
- Identify any new Smart Growth Areas to be added south of Bridge Road
- Conducting Housing Study/Report
- Conducting Traffic Planning and Access Study
- Chapter 1 Issues and Opportunities – Review and Consider Draft Updates
- Chapter 8 Land Use – Review and Consider Draft Updates

NOVEMBER 2024 – DECEMBER 2024

- Finalize Updates to Chapter 2 Housing
- Smart Growth Areas 1-4, 6-12, and 14 - Review and Consider Updates
- Conducting Traffic Planning and Access Study
- Chapter 1 Issues and Opportunities – Review and Consider Draft Updates

- Chapter 8 Land Use – Review and Consider Draft Updates
- Chapter 3 Transportation - Review and Consider Updates
- Conduct a moderated charette around the Smart Growth Areas

DECEMBER 2024 – JANUARY 2025

- Receive and Consider Findings of the Traffic Planning and Access Study
- Smart Growth Areas 5, 9, 13, and 15 through 18 - Review and Consider Updates
- Smart Growth Areas 1-4, 6-12, and 14 - Review and Consider Updates
- Chapter 1 Issues and Opportunities – Review and Consider Draft Updates
- Chapter 8 Land Use – Review and Consider Draft Updates
- Chapter 3 Transportation - Review and Consider Updates

JANUARY 2025 – FEBRUARY 2025

- Conduct an open house to share proposed updates based on consensus of Plan Commissioners to date.
- Review and consider feedback received at open house.
- Final Updates to Chapters 1, 3 and 8.
- Recommendation to the Common Council for an Update to The Smart Growth Comprehensive Land Use Plan-2025, to repeal and recreate Chapters 1, 2, 3, and 8 as proposed.

FEBRUARY 2025 – SEPTEMBER 2025

- Chapter 4 Utilities and Community Facilities - Review and Consider Updates
- Chapter 5 Agricultural, Natural and Historical Resources - Review and Consider Updates
- Chapter 6 Economic Development - Review and Consider Updates
- Chapter 7 Intergovernmental Cooperation - Review and Consider Updates
- Chapter 9 Implementation - Review and Consider Updates
- Chapter 10 Summary of Goals and Objectives - Review and Consider Updates

SEPTEMBER 2025 – OCTOBER 2025

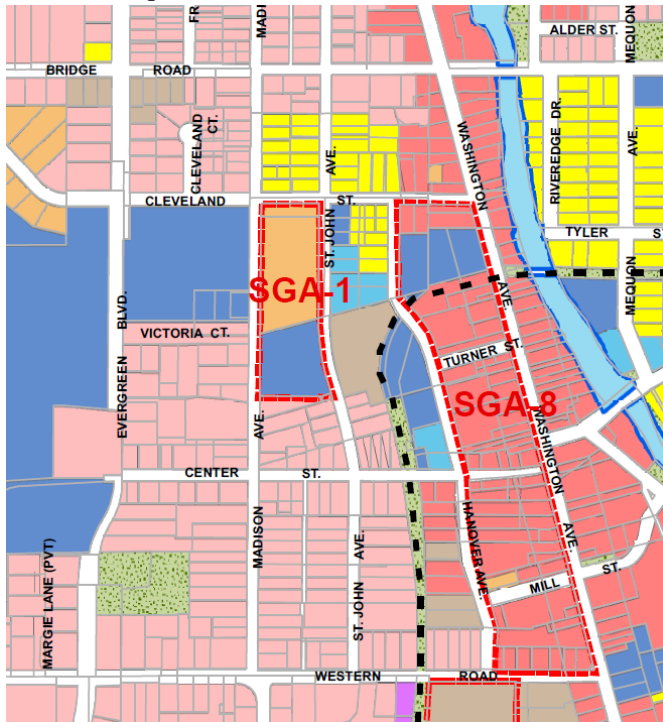
- Conduct an open house to share proposed updates based on consensus of Plan Commissioners to date, with respect to Chapters 4-7 and 9-10.
- Review and consider feedback received at open house.
- Final Updates to Chapters 4-7 and 9-10.

- Recommendation to the Common Council for an Update to The Smart Growth Comprehensive Land Use Plan-2025, to repeal and recreate Chapters 4-7 and 9-10.

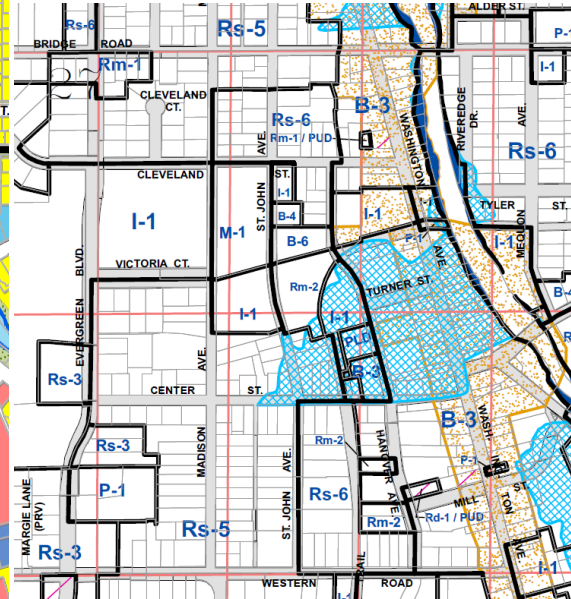
CURRENT SGA 1

Approximate Acres: 5

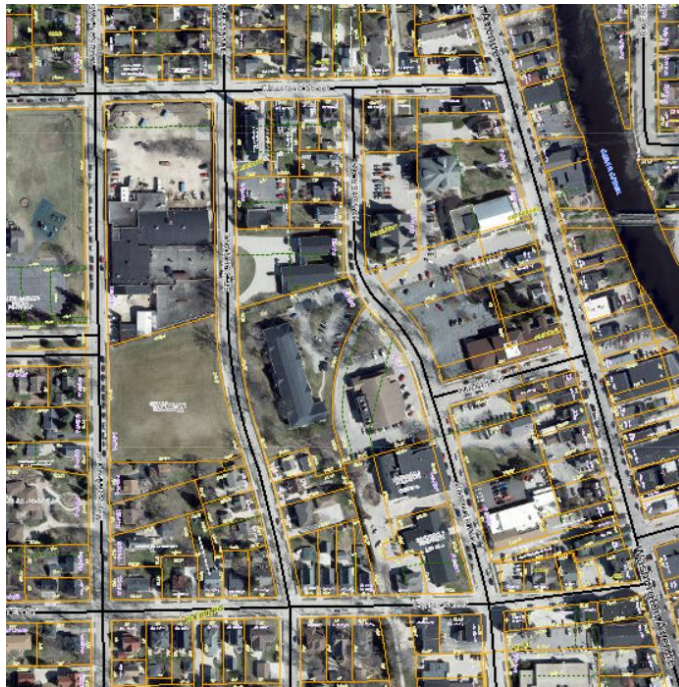
Land use Map



Zoning Map



2022 Aerial Photo



Current Verbiage of The Comprehensive Plan Regarding SGA

SGA-1 The Mercury Marine/Norstar site located south of Cleveland Street, between Madison and St. John Avenues. The Mercury Marine site is classified on the Land Use Map as Governmental and Institutional and is intended to be the site of the future library. The Norstar site is currently classified as High-Medium Density Residential (5.2 to 10.8 units/acre) and this classification will be retained as it promotes appropriate residential development within easy walking distance to downtown Cedarburg.

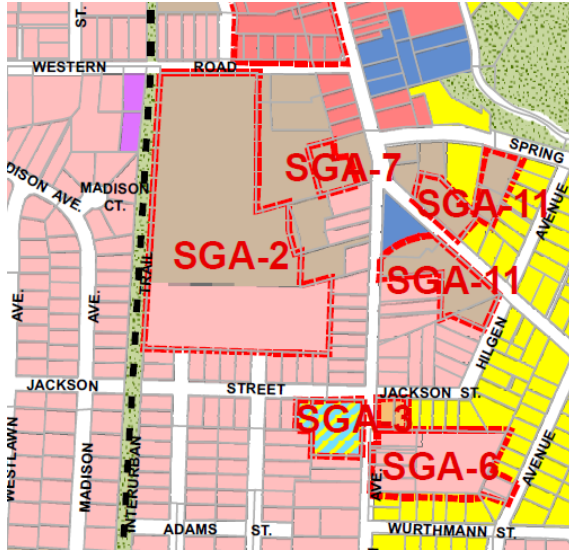
Updated Information Regarding SGA 1

- The Norstar parcel is currently zoned M-1 Limited Manufacturing District and contains an operating business use.
- The Mercury parcel is vacant and zoned I-1 Institutional and Public Service District.
- These parcels are considered 'contaminated' sites and redevelopment will have to account for those limitations.

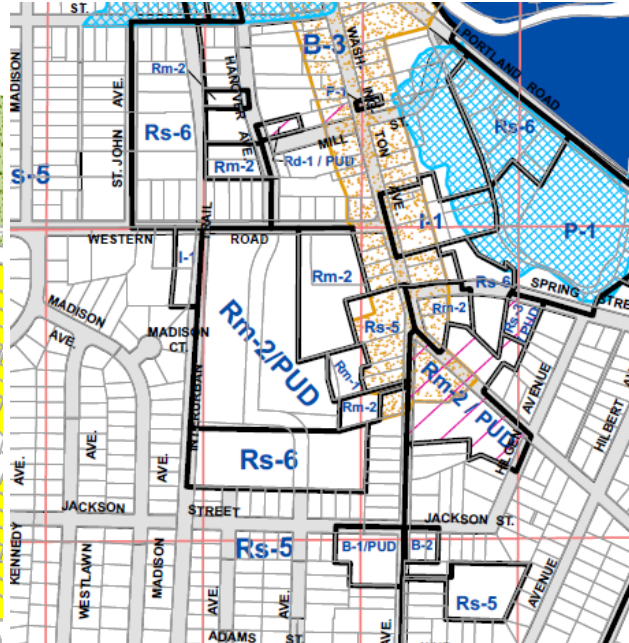
CURRENT SGA 2

Approximate Acres: 12

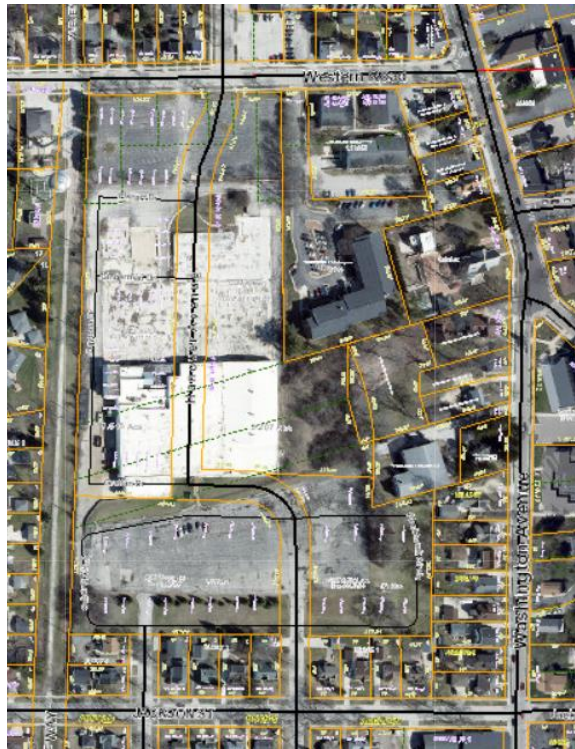
Land use Map



Zoning Map



2022 Aerial Photo



Current Verbiage of The Comprehensive Plan Regarding SGA 2

SGA-2 The Weil Pump site located between Western Avenue and Jackson Street. This site is currently classified as Industrial/Manufacturing development and supports an old industrial building that is only being partially used. Redevelopment of this site should include the extension of Hillcrest Avenue and/or Hanover Avenue north to Western Road to provide an alternate route to and from the downtown area. This site is classified on the proposed Land Use Map as Single-Family Medium-Density (3.67 to 5.2 units/acre) and Medium-High Density Urban Residential development (5.2 to 10.8 units/acre). These densities will provide a good customer base within easy walking distance to downtown shops.

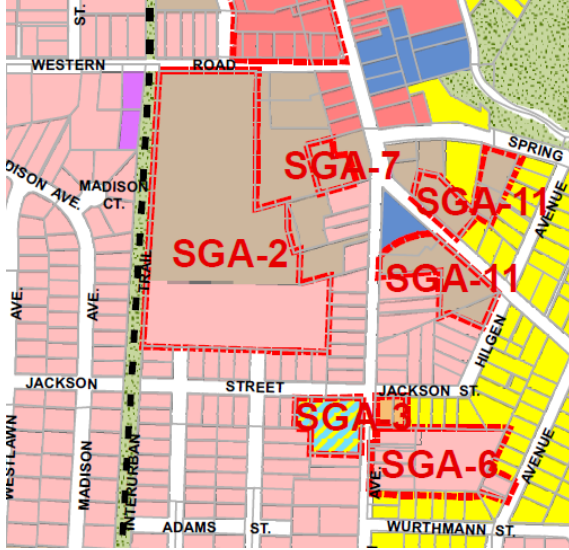
Updated Information Regarding SGA 2

- This 12+/- acre site is now the fox Run Multi-Family Development.
- Recommend deleting this smart growth area.

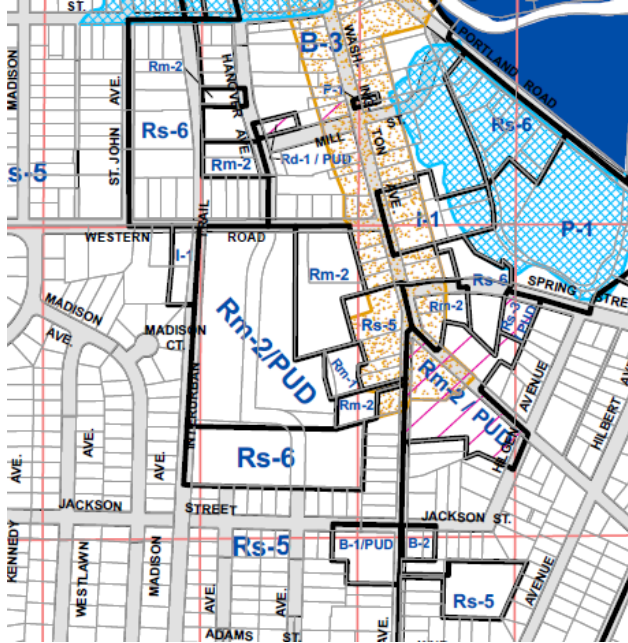
CURRENT SGA 3

Approximate Acres: 1.16

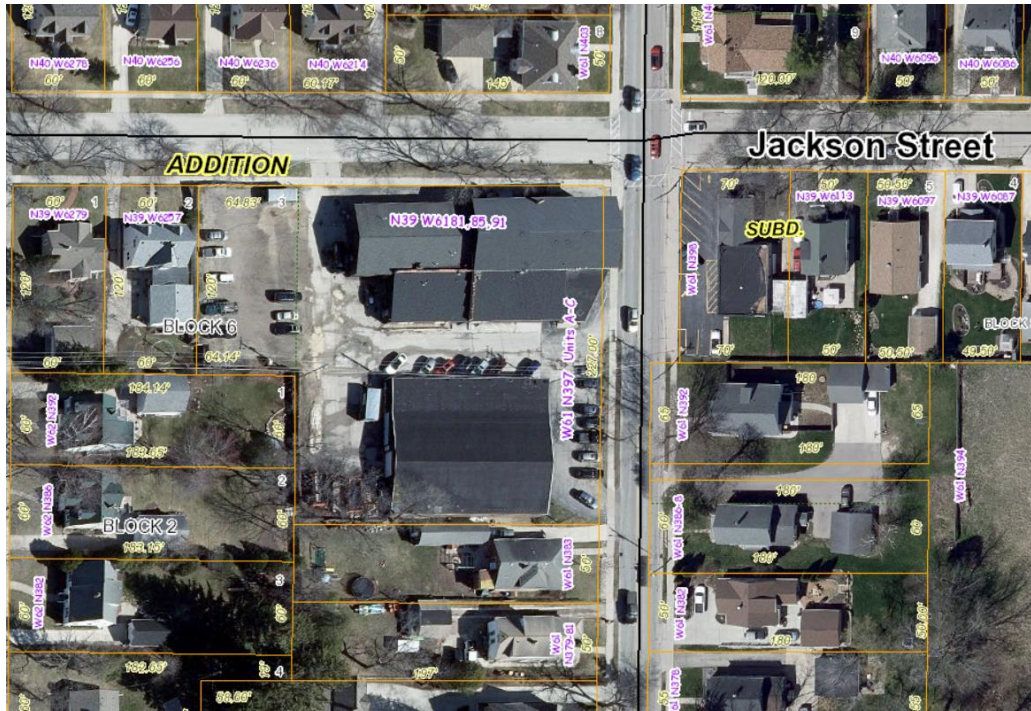
Land use Map



Zoning Map



2022 Aerial Photo



Current Verbiage of The Comprehensive Plan Regarding SGA 3

SGA-3 The Lakeside Development site at the southeast and southwest corner of Jackson Street and Washington Avenue. These corner sites are classified as and support neighborhood business, but are surrounded by single-family residential development. Since this area is within walking distance to both the downtown and the south Washington Avenue businesses, it would be appropriately classified as Mixed-Use Office and/or High-Medium Density Residential Development.

Updated Information Regarding SGA 3

- This site/buildings have been partly updated and the main building now has multiple occupancies including two residential living units, a first floor yoga studio space and a first floor physical therapy business.
- The current owner is in the process of preparing plans for some additional changes and the addition of some proposed new uses in the main building. Their plans at this time call for continued cold storage use of the south building.

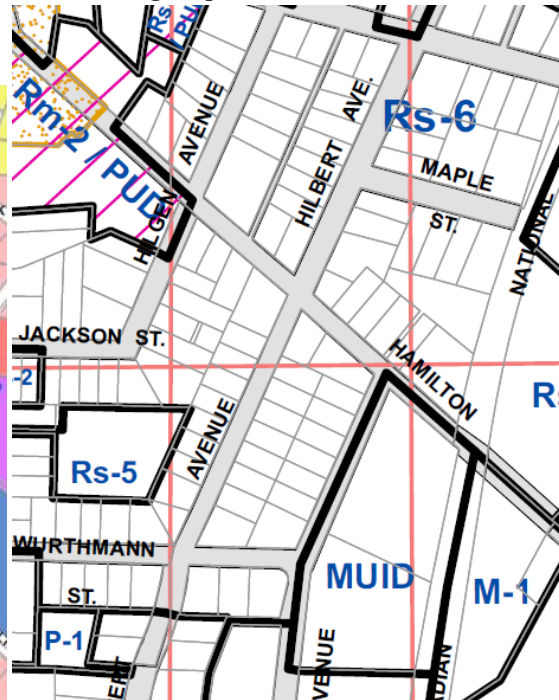
CURRENT SGA 4

Approximate Acres: 6.3

Land use Map



Zoning Map



2022 Aerial Photo



Current Verbiage of The Comprehensive Plan Regarding SGA 4

SGA-4 The Former Amcast site on both sides of Hamilton Road at the Chicago, Milwaukee, St. Paul, Pacific Railroad. These sites are appropriately classified as Medium Density Residential for the site along the north side of Hamilton Road and Mixed Use Infill for the site on the south side.

Updated Information Regarding SGA 4

-

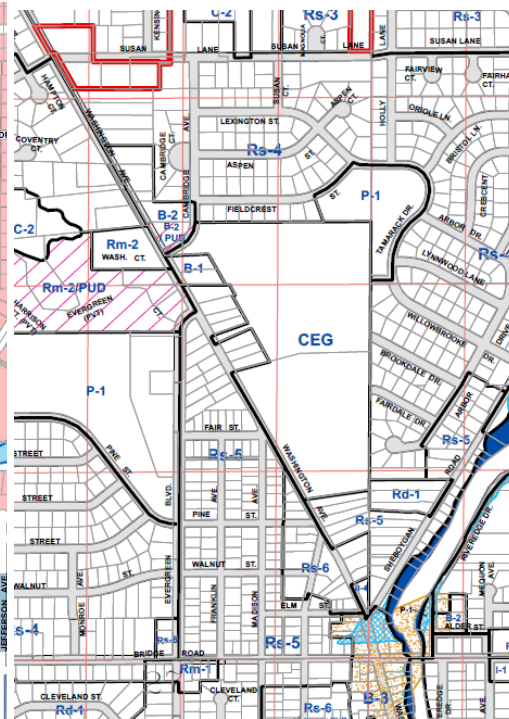
CURRENT SGA 5

Approximate Acres: 38.28

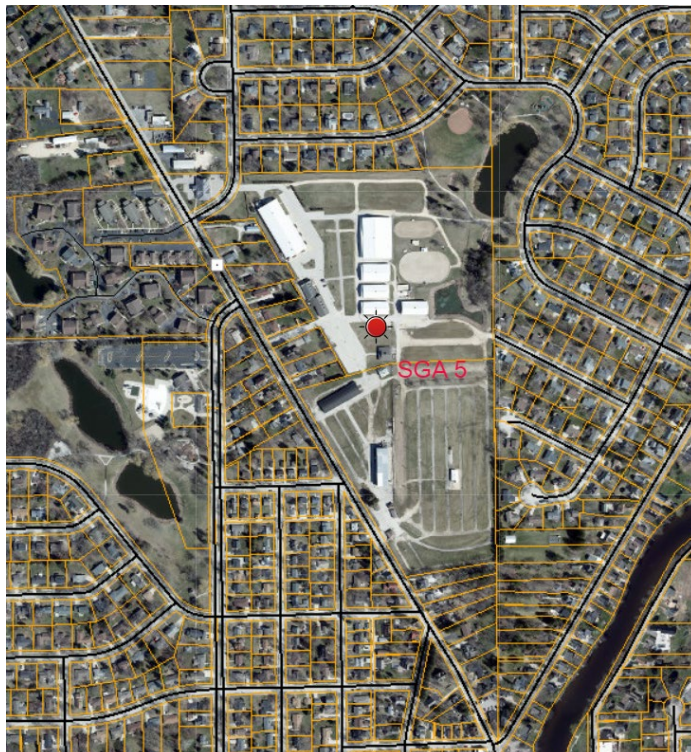
Land use Map



Zoning Map



2022 Aerial Photo



Current Verbiage of The Comprehensive Plan Regarding SGA 5

SGA-5 The Ozaukee Fairgrounds. If the Fair Grounds are ever relocated from this site, residential land uses should be considered at densities consistent with the area.

Updated Information Regarding SGA 5

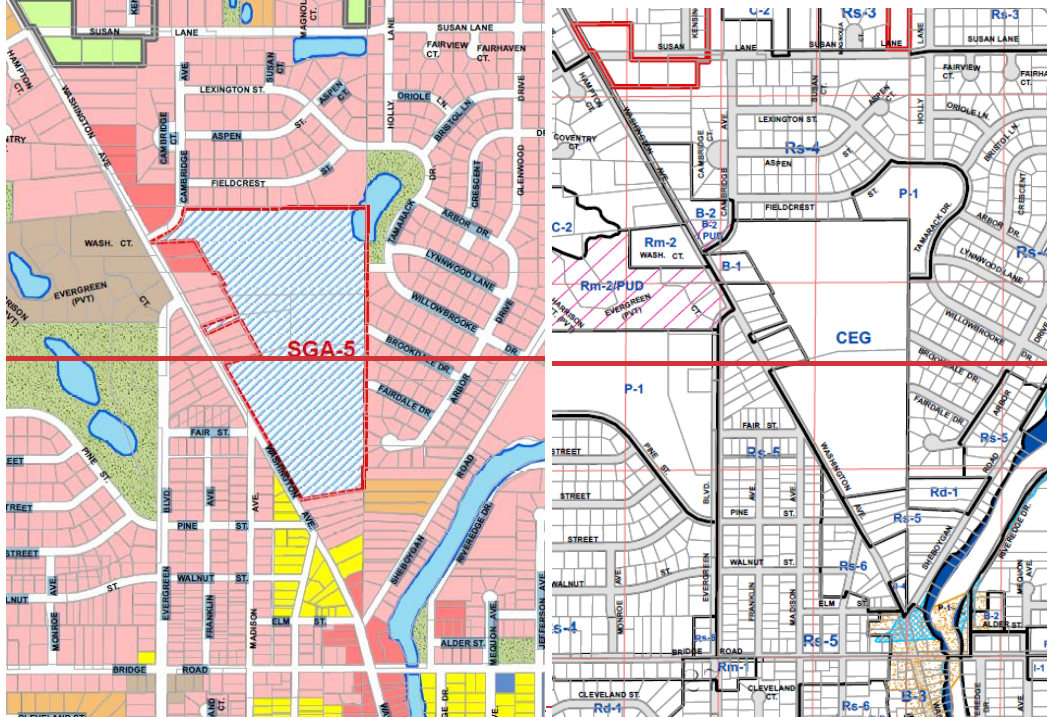
- This land is fully developed in active park uses.
- It is minimally encumbered in the northeast corner by wetland and open water.
- Maintain the designation on our Land Use Plan of Community Exhibition/Fairgrounds.
- Remove this area from the Smart Growth list.

CURRENT SGA-5

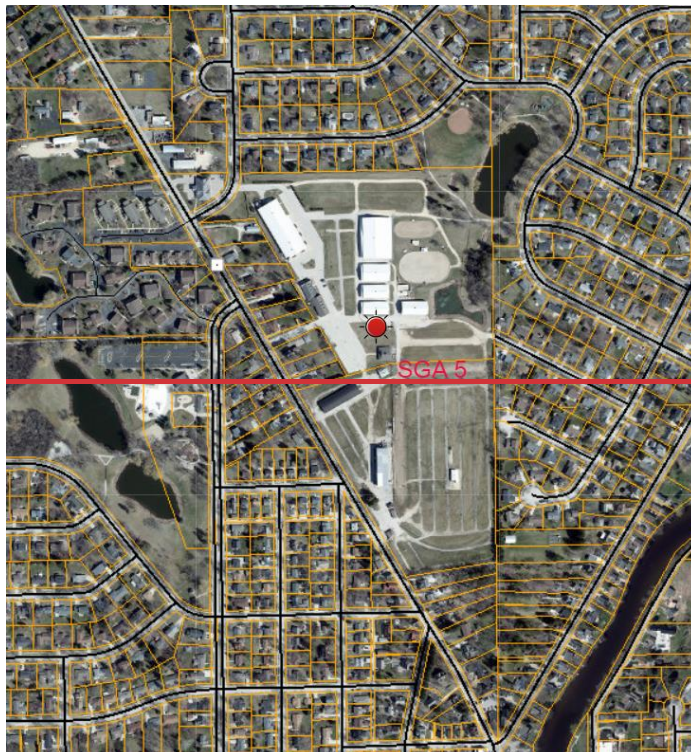
Approximate Acres: 38.28

Land use Map

Zoning Map



2022 Aerial Photo



Current Verbiage of The Comprehensive Plan Regarding SGA-5

~~SGA-5 The Ozaukee Fairgrounds. If the Fair Grounds are ever relocated from this site, residential land uses should be considered at densities consistent with the area.~~

Updated Information Regarding SGA-5

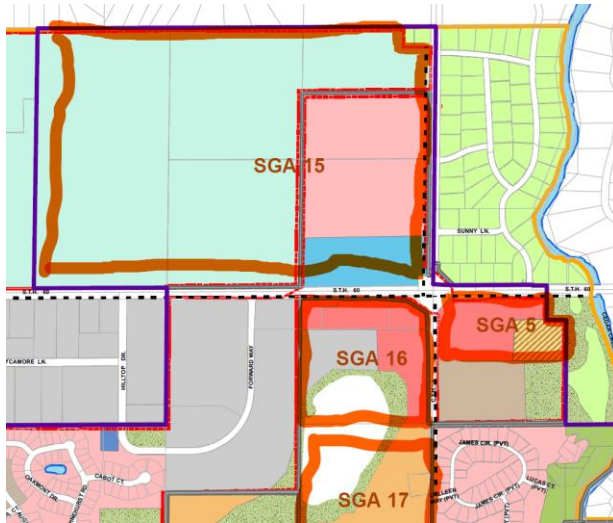
- ~~• This land is fully developed in active park uses.~~
- ~~• It is minimally encumbered in the northeast corner by wetland and open water.~~
- **Maintain the designation on our Land Use Plan of Community Exhibition/Fairgrounds.**

Remove this area from the Smart Growth list.

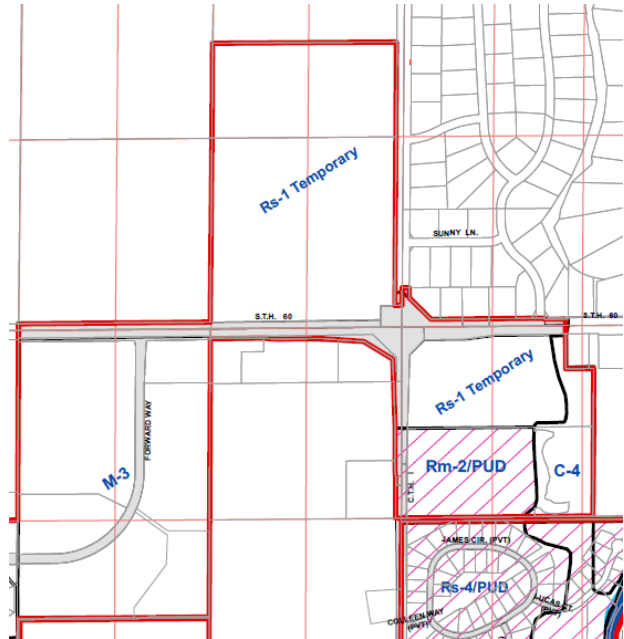
NEW SMART GROWTH AREA 5

Approximate acres: 17

Land Use Map



Zoning Map



2022 Aerial Photo



Proposed Verbiage of the Comprehensive Plan Regarding NEW SGA 5

SGA 5 "The Wirth/Stroebe Property". This site should be ...

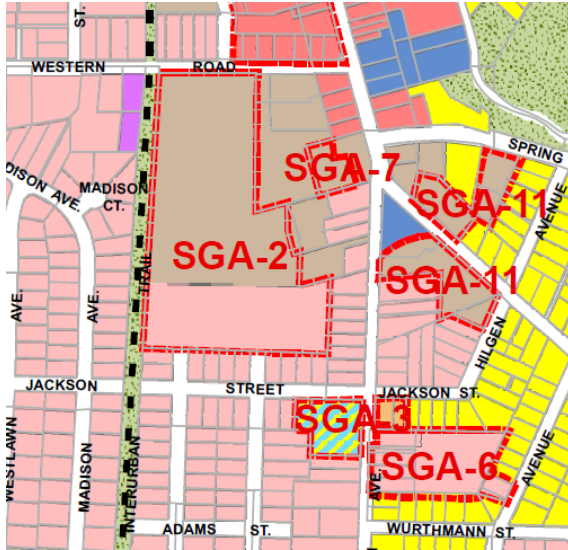
Updated Information Regarding NEW SGA 5

- This land is vacant.
- It does not appear to be encumbered by wetland, shoreland or environmental corridor.
- Preliminary Engineering Review/comments include:
 - Sanitary sewer currently sits approximately 24' south of this site within the Cedar Place Apartments development. The developer would need to connect to the existing manhole and run 18" sanitary to the northwest corner of SGA 5. This site could be developed now.

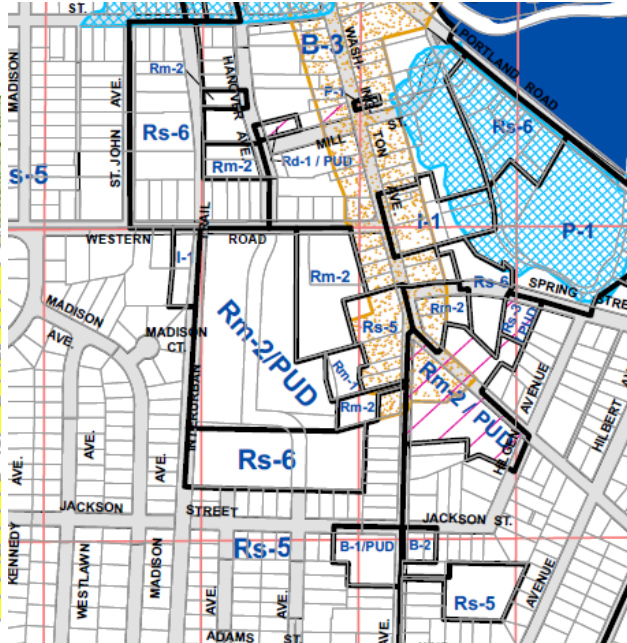
CURRENT SGA 6

Approximate Acres: 1.87

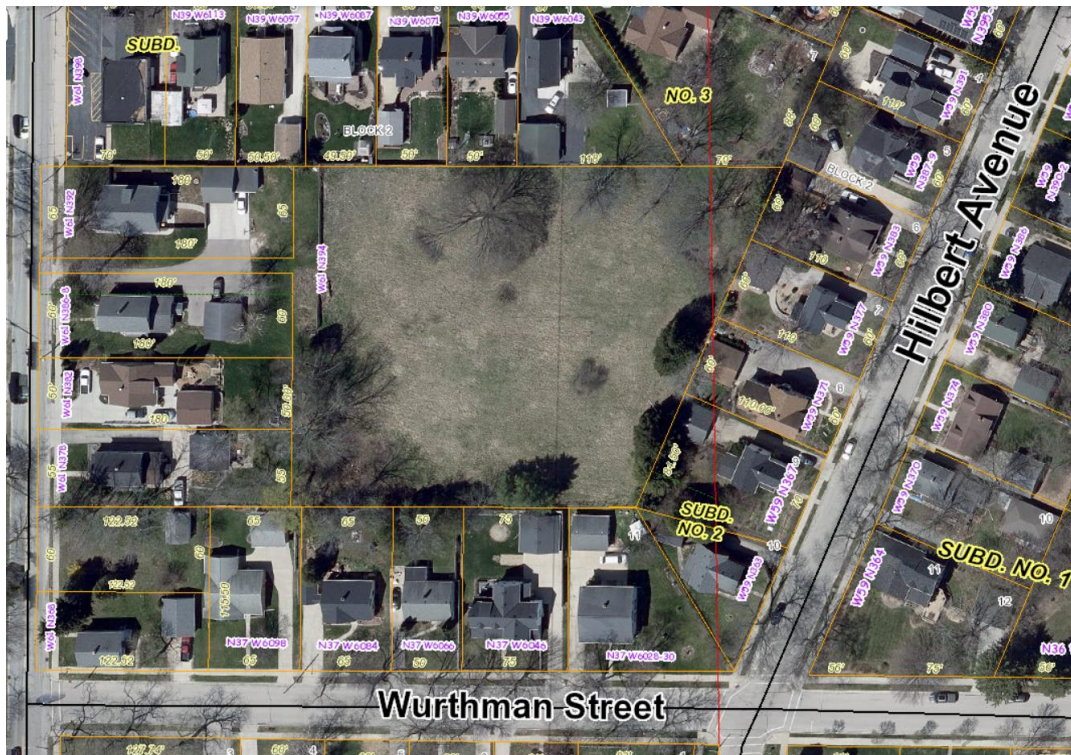
Land use Map



Zoning Map



2022 Aerial Photo



Current Verbiage of The Comprehensive Plan Regarding SGA 6

SGA-6 Vacant land behind W61 N378 -392 Washington Avenue. This vacant site is appropriately classified as Medium-Density Single-Family Residential Development.

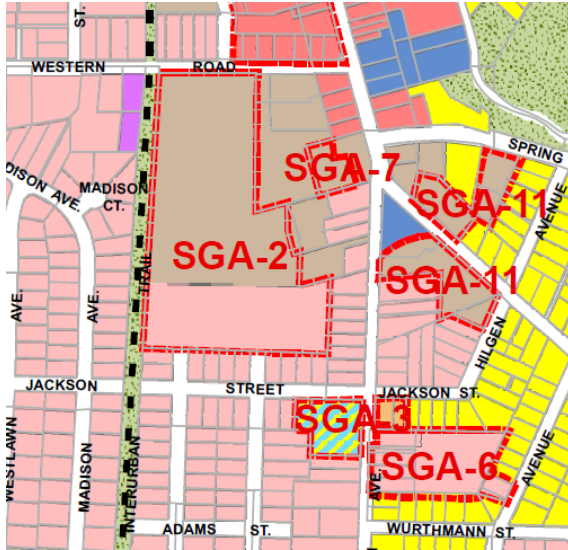
Updated Information Regarding SGA 6

-

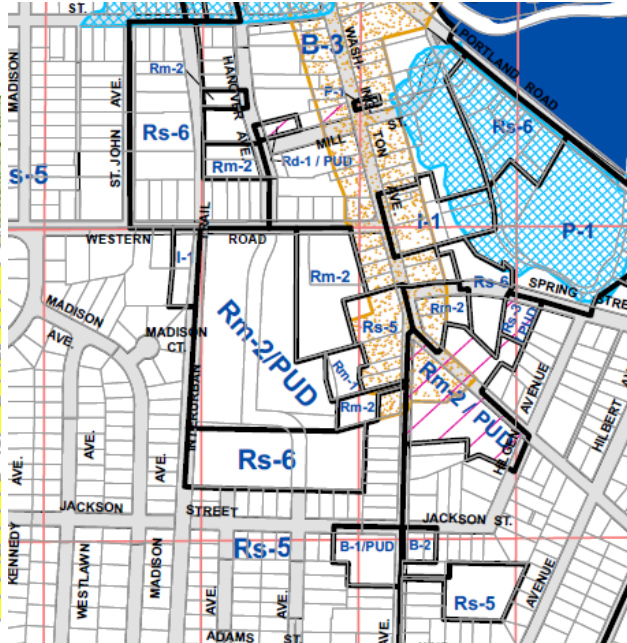
CURRENT SGA 7

Approximate Acres: 1

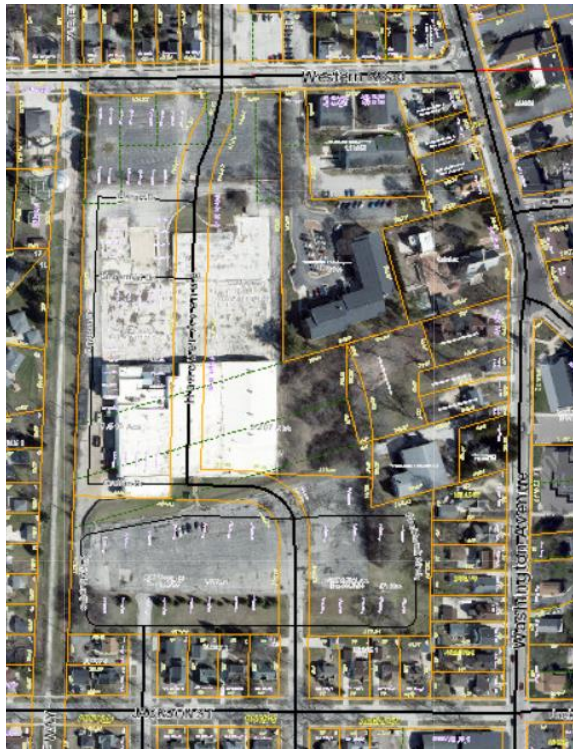
Land use Map



Zoning Map



2022 Aerial Photo



Current Verbiage of The Comprehensive Plan Regarding SGA 7

SGA-7 1.1-acre Vacant land behind W61 N449 Washington Avenue. This vacant site is classified on the Land Use Map as Medium-Density Residential Development but is zoned RM-2 (Multi-Family). Since the site is sandwiched between apartment buildings, the site should be reclassified to High-Density Multi-Family to reflect adjacent uses. The Washington Avenue access issue must first be resolved. (See Plan Commission property file.)

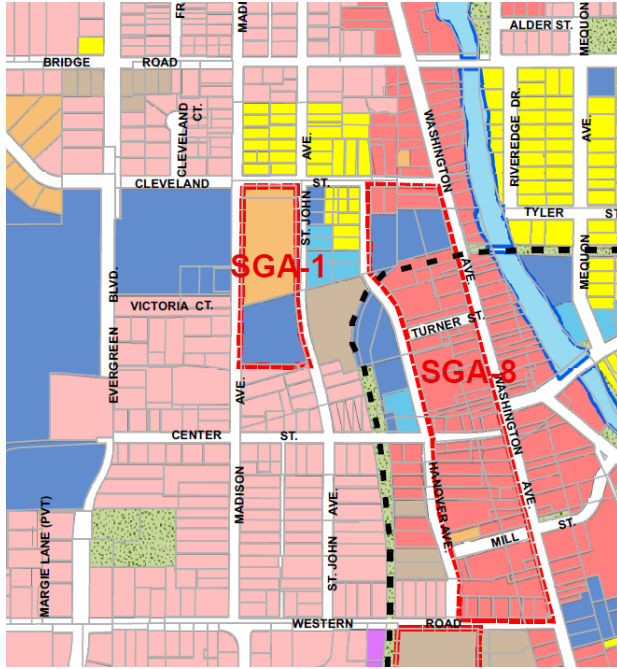
Updated Information Regarding SGA 7

- This .7+/- acre site is has recently been approved for the Cedarway Condominium Development.
- Recommend deleting this smart growth area.

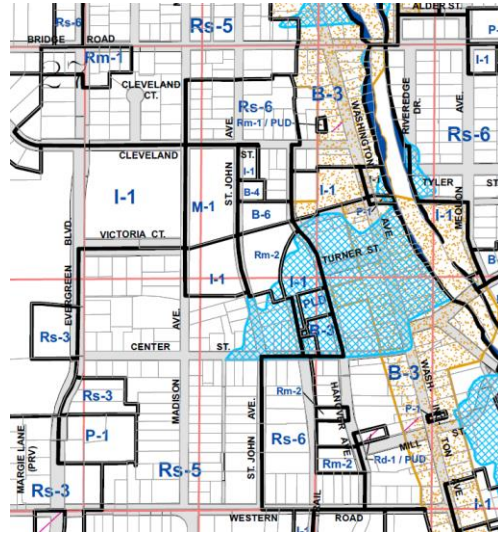
CURRENT SGA 8

Approximate Acres: 15

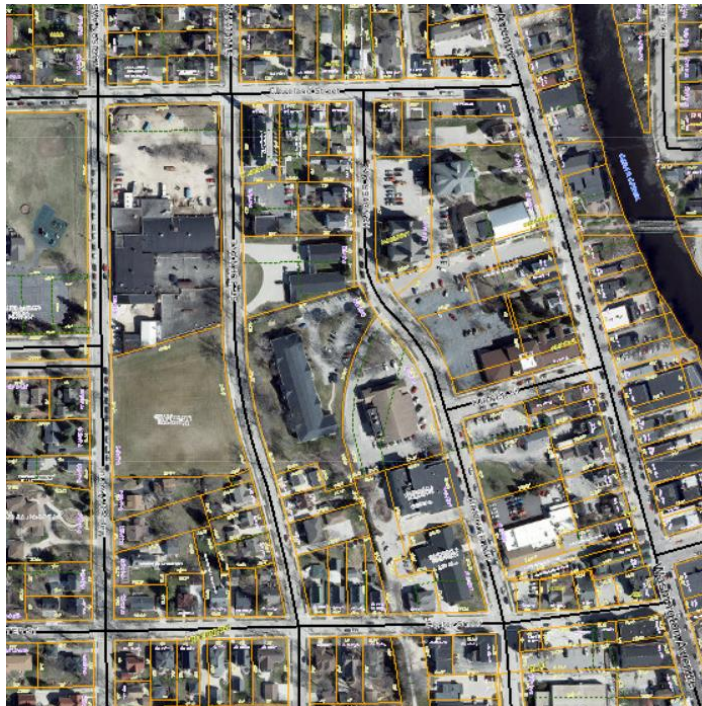
Land use Map



Zoning Map



2022 Aerial Photo



Current Verbiage of The Comprehensive Plan Regarding SGA 8

SGA 8 Lands between Washington Avenue and Hanover Avenue from Western Road to Cleveland. While this area currently supports a scattering of retail and service establishments, the area seems underutilized with large poorly-designed parking lots, unsightly rear yard storage and vast areas of open spaces. With proper design, the intent would be to create a vibrant pedestrian-friendly extension of the Historic Downtown Business District with lighted walkways, landscaped parking, improved storage areas, rear-building facade improvements and where new commercial development could be promoted.

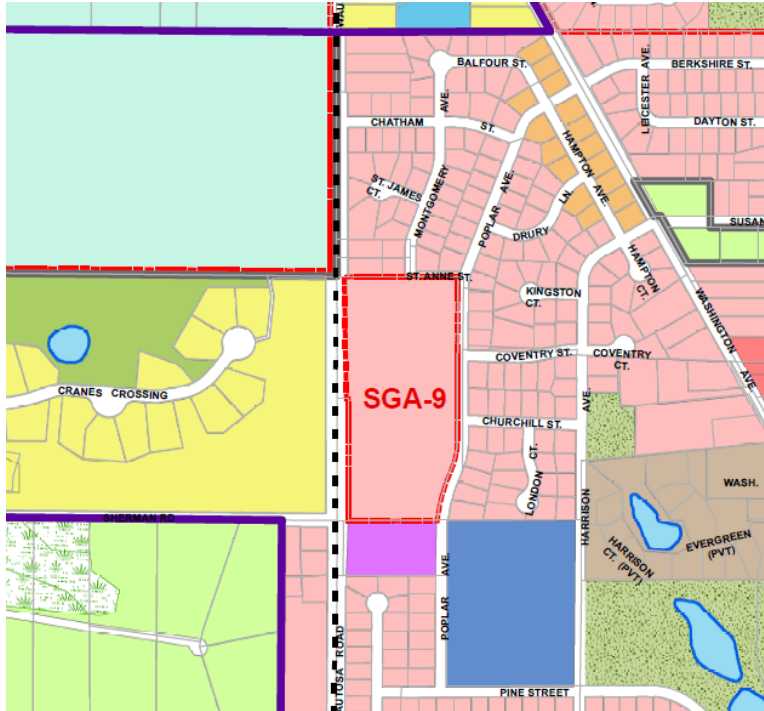
Proposed New Verbiage of The Comprehensive Plan Regarding SGA 8

- Adding parkland.
- Emphasize redevelopment on underutilized sites.
- Expand public parking opportunities.

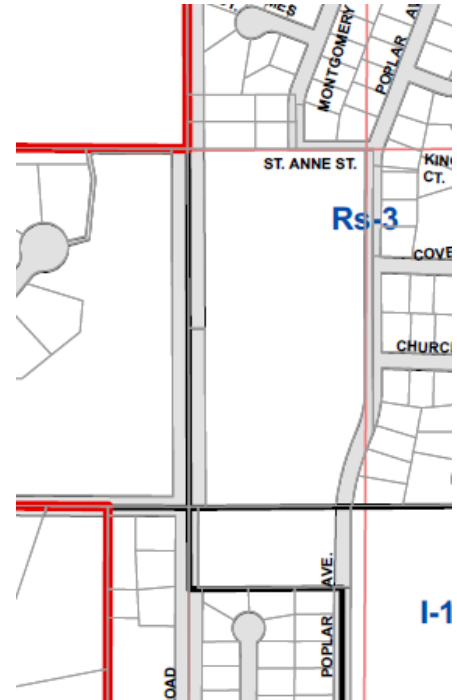
CURRENT SGA 9

Approximate Acres: 18.28

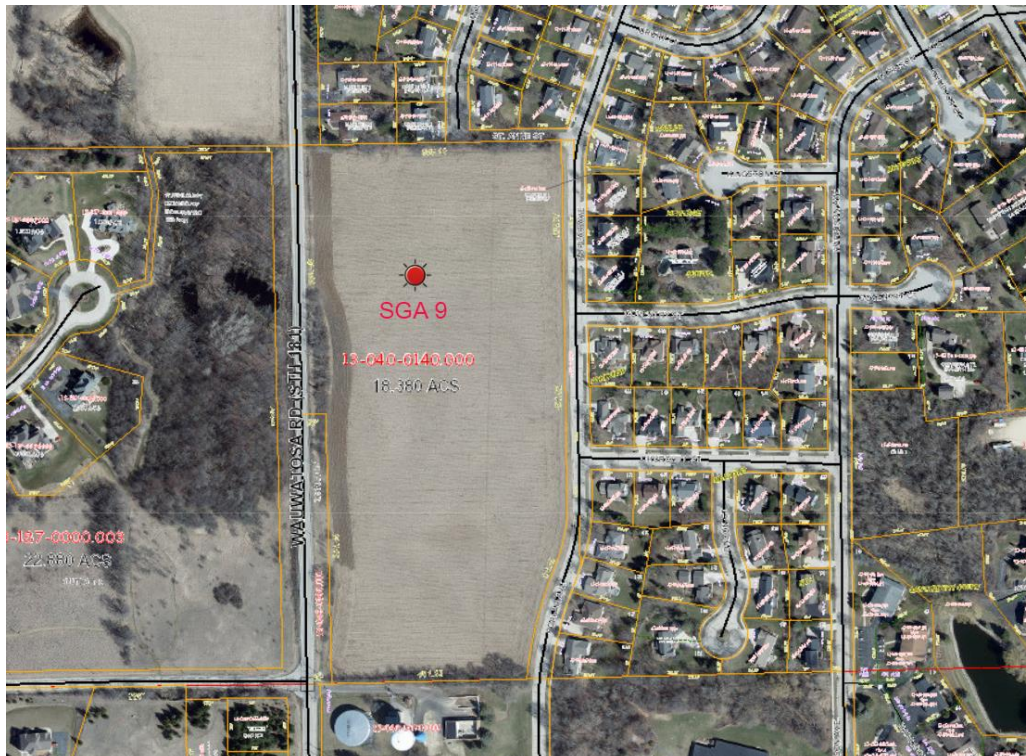
Land use Map



Zoning Map



2022 Aerial Photo



Current Verbiage of The Comprehensive Plan Regarding SGA 9

SGA-9 **“The Bentz Property”** The Vacant Land located between Wauwatosa Road and Poplar Avenue, northwest northeast of the Wauwatosa Road/Sherman Road Intersection. This area is appropriately classified as Medium-Density Detached ~~Urban~~ **Residential** Development.

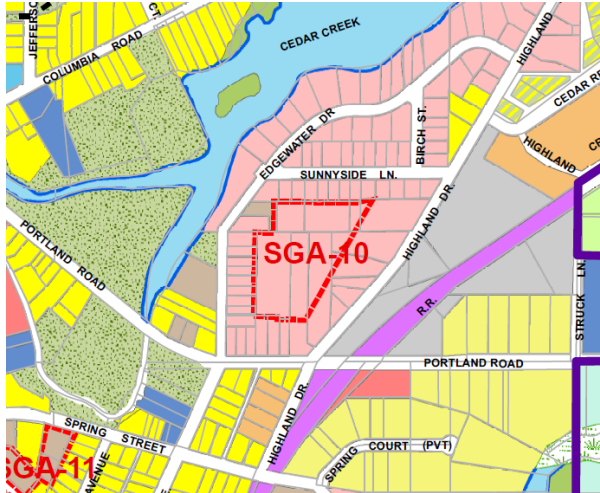
Proposed New Verbiage of The Comprehensive Plan Regarding SGA 9

- ~~Medium-Density Residential Land Use Classification comports with the following Zoning Districts: TBD~~ **Current Zoning of this property is Rs-3 Single-Family Residential (maximum permitted density is 3.6 units/net acre, and 12,000 sq. ft. minimum lot size). Recommended zoning is _____.**
- No direct access is or will be available to STH 181/Wauwatosa Road?.
- This site does not appear to be encumbered by any wetlands, shorelands, navigable waters or environmental corridor.
- **Preliminary Engineering Review/comments include:**
 - **The sanitary sewer currently sits at the corner of Coventry and Poplar and at the corner of hurchill and Poplar. Either location could be used to serve this area. Some sanitary laterals may be through wall connections. This site could be developed now.**

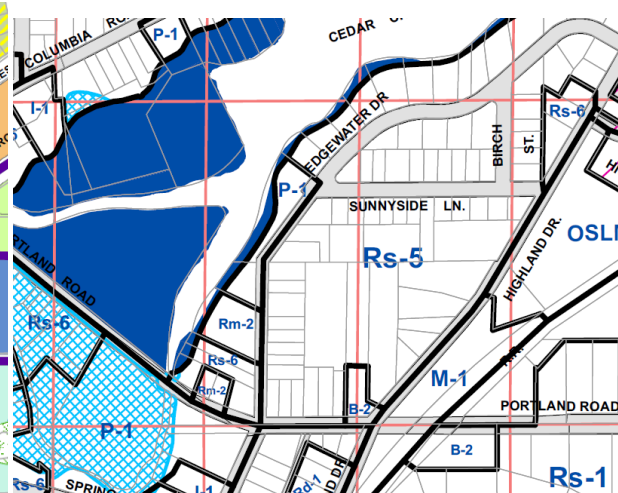
CURRENT SGA 10

Approximate Acres: 5

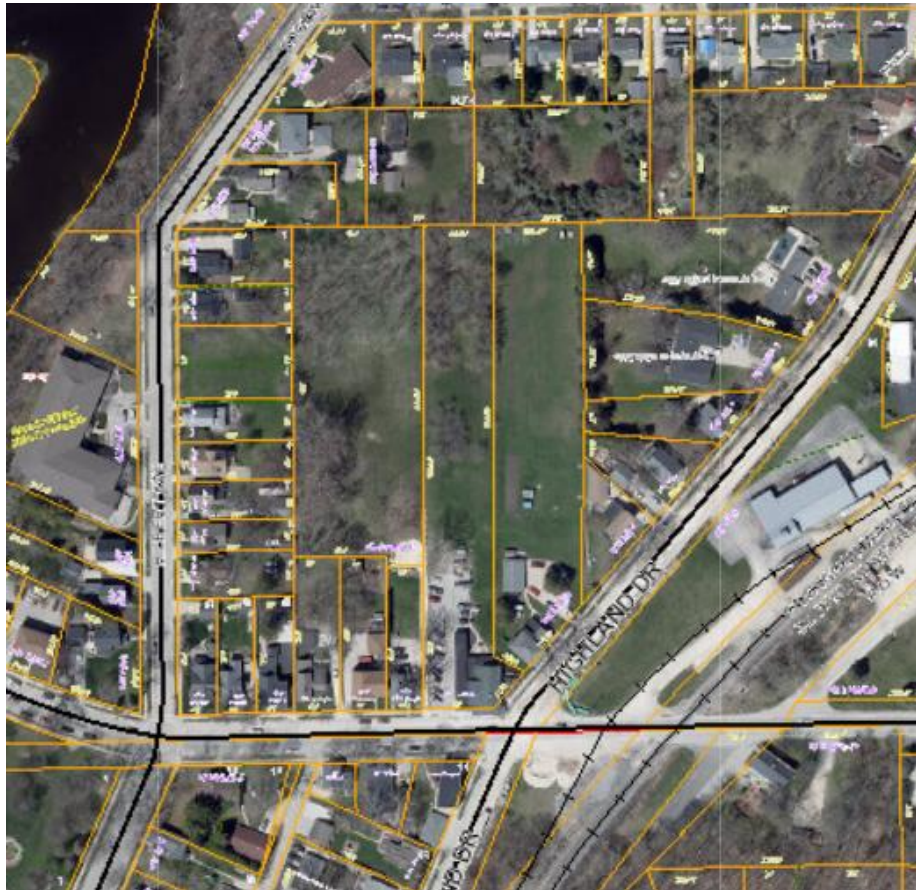
Land use Map



Zoning Map



2022 Aerial Photo



Current Verbiage of The Comprehensive Plan Regarding SGA 10

SGA-10 The Vacant Land behind properties located along Sunnyside Lane, Hilbert Avenue, Portland Road and Highland Drive. This site is appropriately classified as Medium-Density Detached Urban Residential Development.

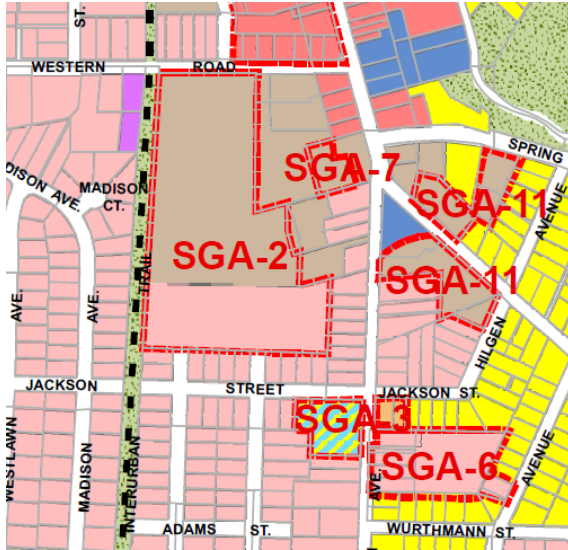
Updated Information Regarding SGA 10

- A new single-family detached residence has been constructed in a central part of this SGA.

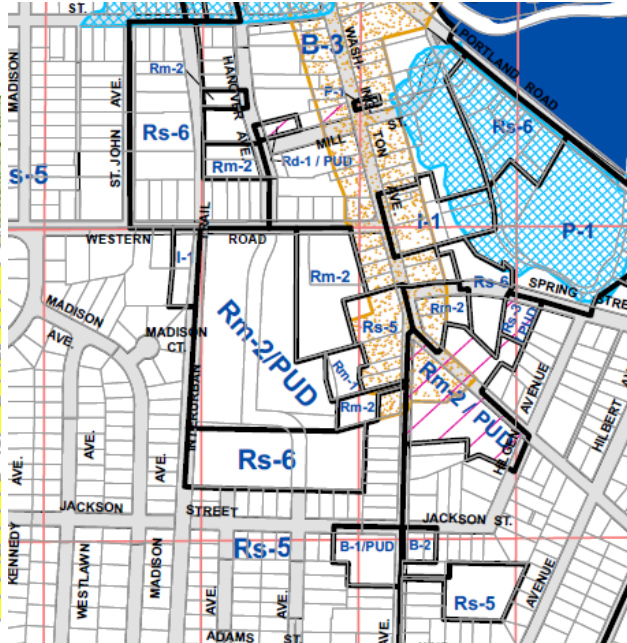
CURRENT SGA 11

Approximate Acres: 3

Land use Map



Zoning Map



2022 Aerial Photo



Current Verbiage of The Comprehensive Plan Regarding SGA 11

SGA-11 St. Francis Borgia School site at N44 W6055 Hamilton Avenue. This site is currently classified as Governmental and Institutional Development. Since the parish is proceeding with plans to construct a new elementary school adjacent to the Divine Word site north of 5 Corners, this area should be considered for High- Medium Density Residential.

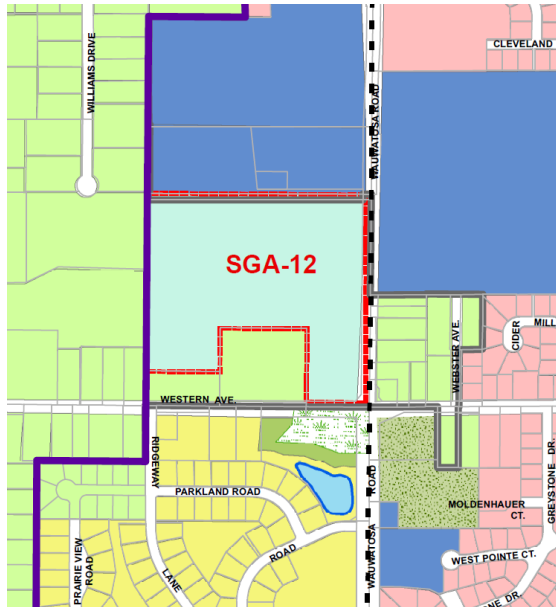
Updated Information Regarding SGA 11

- This 3+/- acre site is now the Arrabelle multi-family residential development.
- Recommend deleting this smart growth area.

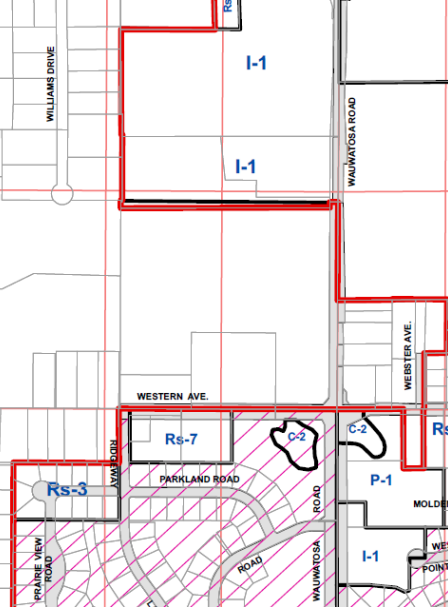
CURRENT SGA 12

Approximate Acres: 29

Land use Map



Zoning Map



2022 Aerial Photo



Current Verbiage of The Comprehensive Plan Regarding SGA 12

SGA-12 Northwest Corner of Western Avenue and Wauwatosa Road.
Neighborhood land use plan approval required prior to annexation.

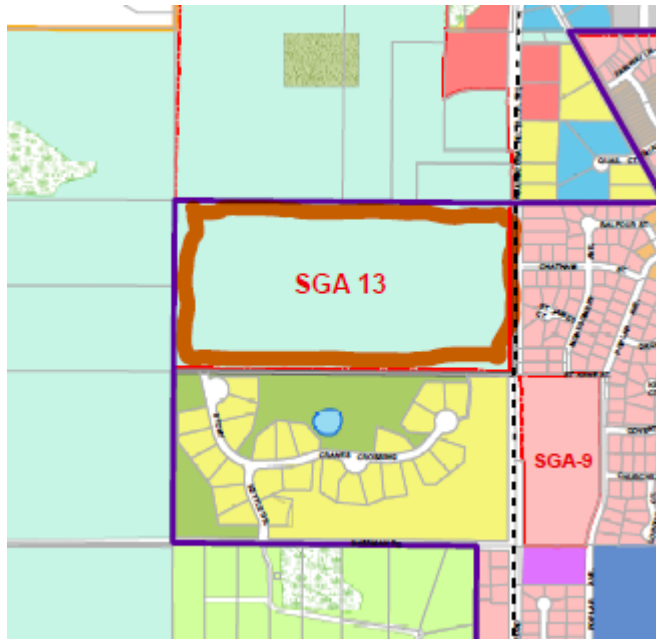
Updated Information Regarding SGA 12

-

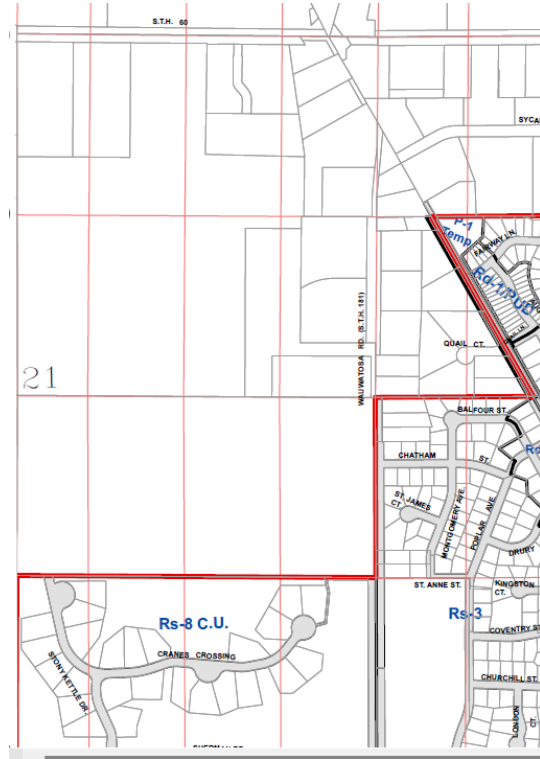
CURRENT SGA 13

Approximate Acres: **94.76 acres in the north portion, and 79.76 acres in the south portion.**

Land use Map



Zoning Map



2022 Aerial Photo



Current Verbiage of The Comprehensive Plan Regarding SGA 13

SGA-13 Area north of the Seidler Pond Subdivision along the west side of Wauwatosa Road. Neighborhood land use plan that can be adequately served by public utilities must be approved prior to annexation.

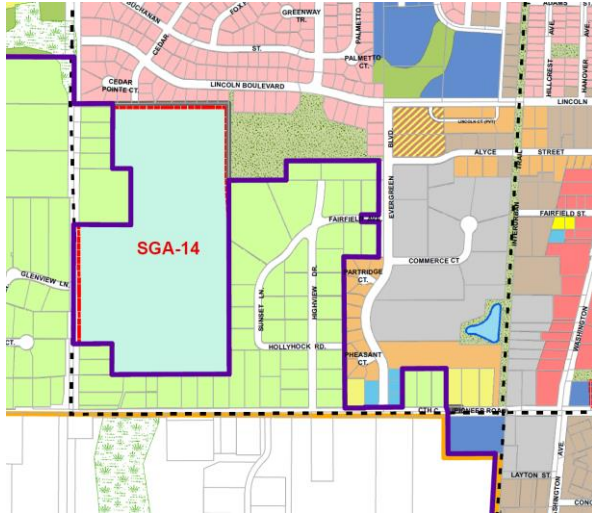
Proposed New Verbiage of The Comprehensive Plan Regarding SGA 13

- This area is currently located entirely within the Town of Cedarburg, however, it is inside of the “City Growth Area” as set forth in the 7-7-21 Boundary Agreement.
- This site does contain various environmental encumbrances such as Wetland, Shoreland, and Environmental Corridor.
- **Preliminary Engineering Review/comments include:**
 - **Sanitary sewer currently at the intersection of Washington Avenue at Quail Ct./Augusta Ln. and is deep enough to ultimately serve this site. The sewer would need to be extended from Washington Ave. to Wauwatosa Rd. before this site could be developed.**

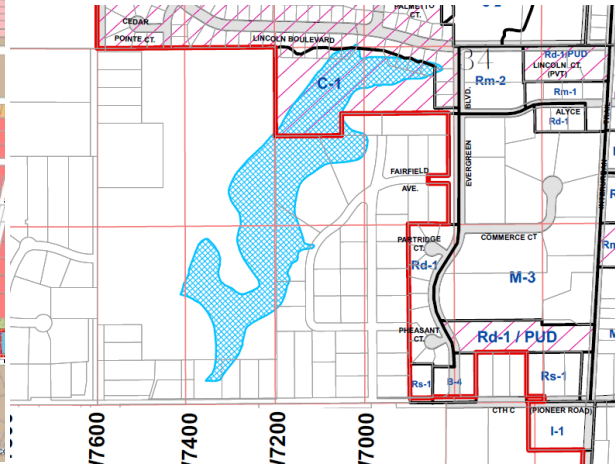
CURRENT SGA 14

Approximate Acres: 59

Land use Map



Zoning Map



2022 Aerial Photo



Current Verbiage of The Comprehensive Plan Regarding SGA 14

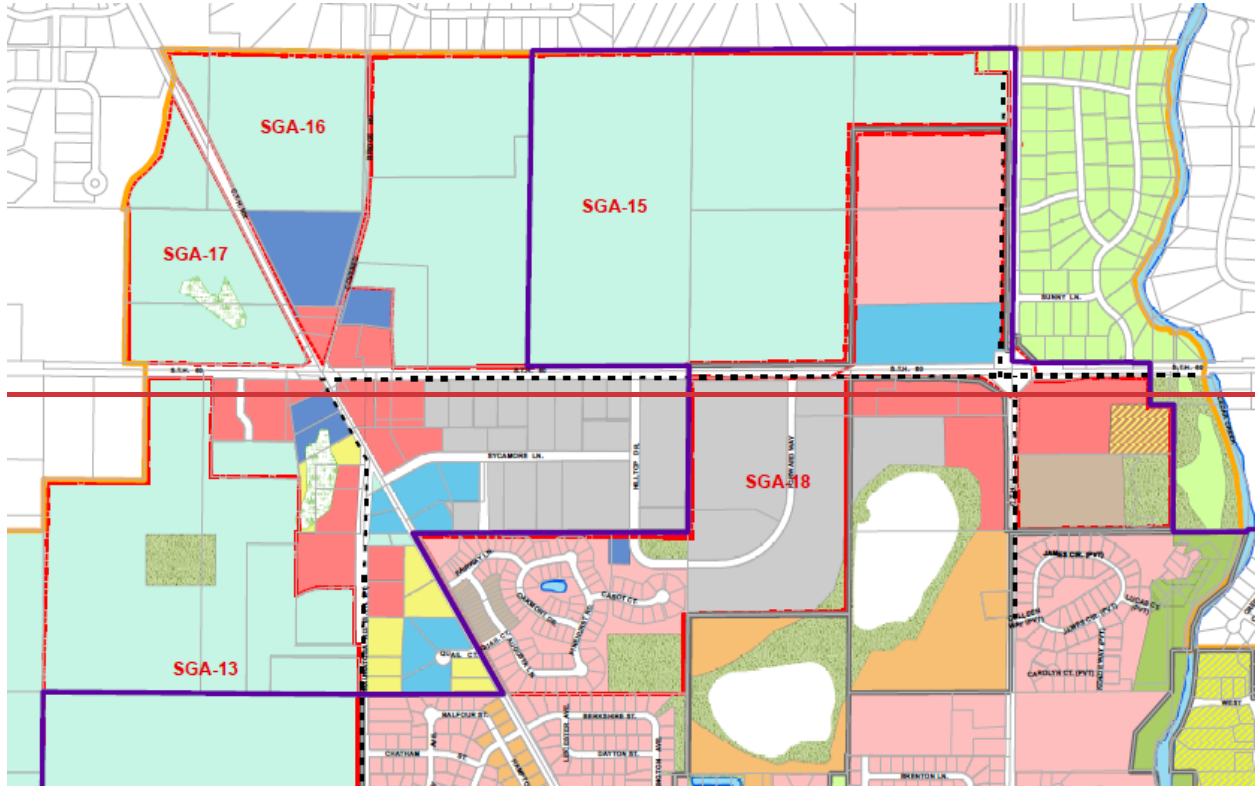
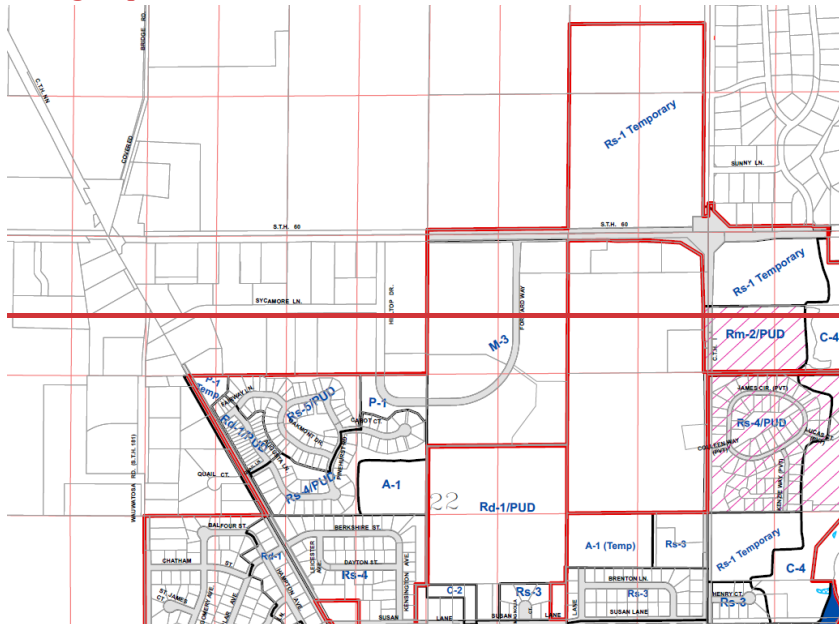
SGA-14 Area south of Cedar Point Avenue east of Wauwatosa Road.
Neighborhood land use plan that can be adequately served by public utilities
must be approved prior to annexation.

Updated Information Regarding SGA 14

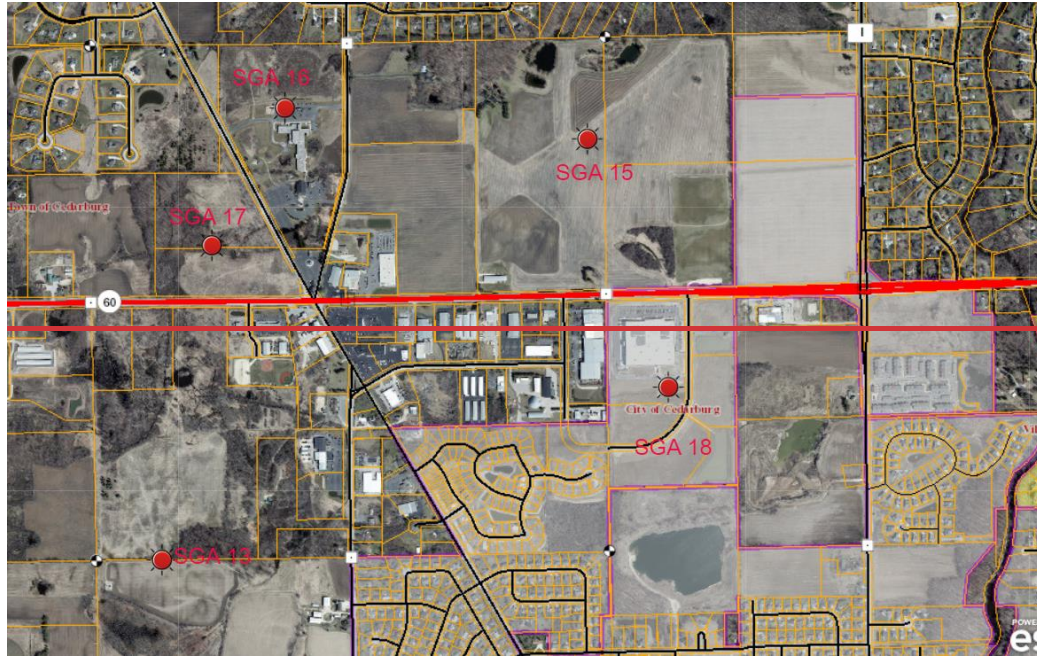
- This site is somewhat encumbered by environmental features such as wetland and environmental corridor.

~~CURRENT SGA 15~~

~~Approximate Acres: 302 acres total.~~

~~Land use Map~~~~Zoning Map~~

2022 Aerial Photo



Current Verbiage of The Comprehensive Plan Regarding SGA 15

~~SGA 15 Grob Field area along the north side of Highway 60 east of the 5 Corners intersection. Neighborhood land use plan that can be adequately served by public utilities must be approved prior to annexation.~~

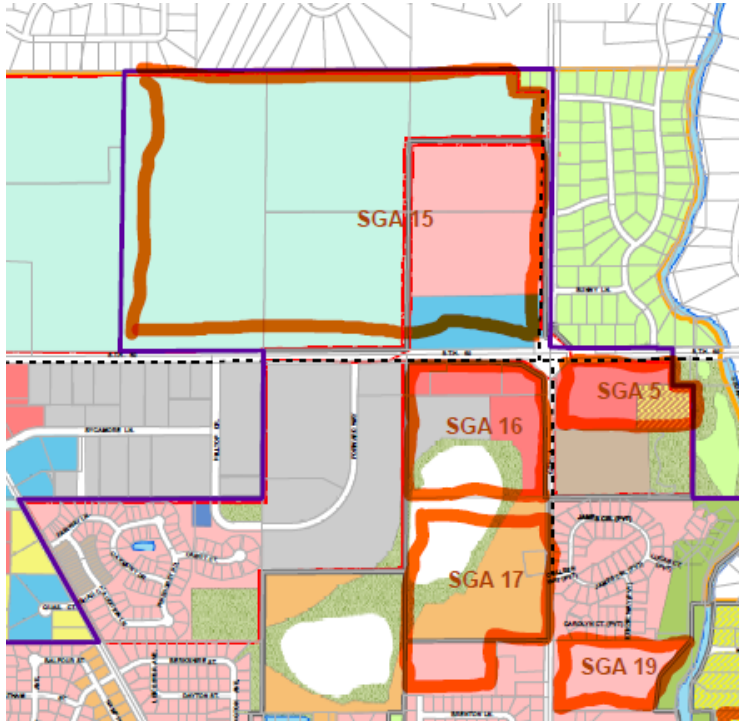
Proposed New Verbiage of The Comprehensive Plan Regarding SGA 15

- ~~● Approximately 36.99 acres of this area is currently in the City.
 - ~~○ Of the remaining 228 acres, approximately 69.81 acres lie outside of the “City Growth Area” according to the 2021 Intergovernmental Agreement with the Town of Cedarburg (see Appendix C).~~~~
- ~~● This site does contain some, albeit rather limited in the scheme of the overall acreage, environmental encumbrances such as Wetland, Shoreland, and Shoreland Wetlands.~~
- ~~● Access from this area to Hwy 60 will be controlled by Wis DOT. This area covers approximately 1 mile from west to east between Covered Bridge Road and Hwy I/Sheboygan Road. Consideration should be given to ensuring an identifiable local collector running from west to east is included in the development plan.~~
- ~~● TBD~~

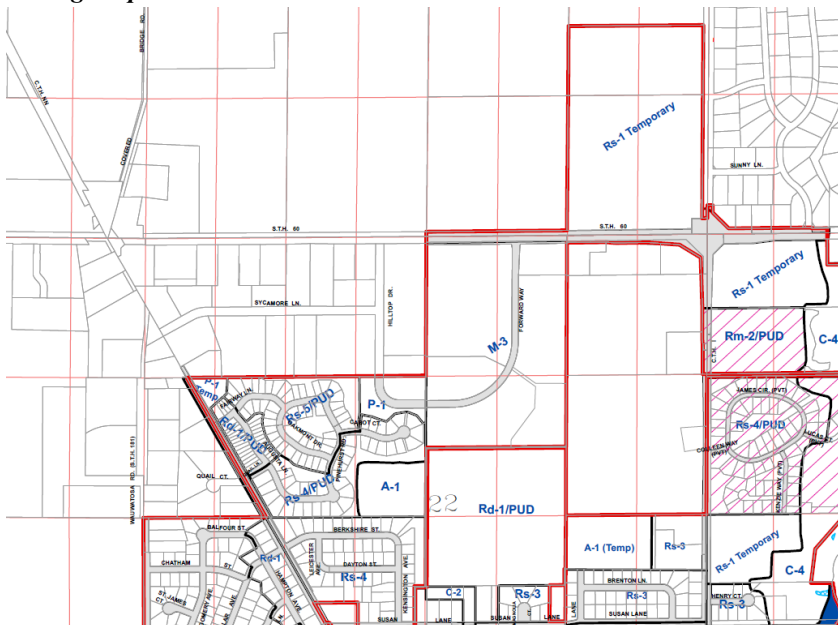
NEW SGA 15

Approximate Acres: 232-acres

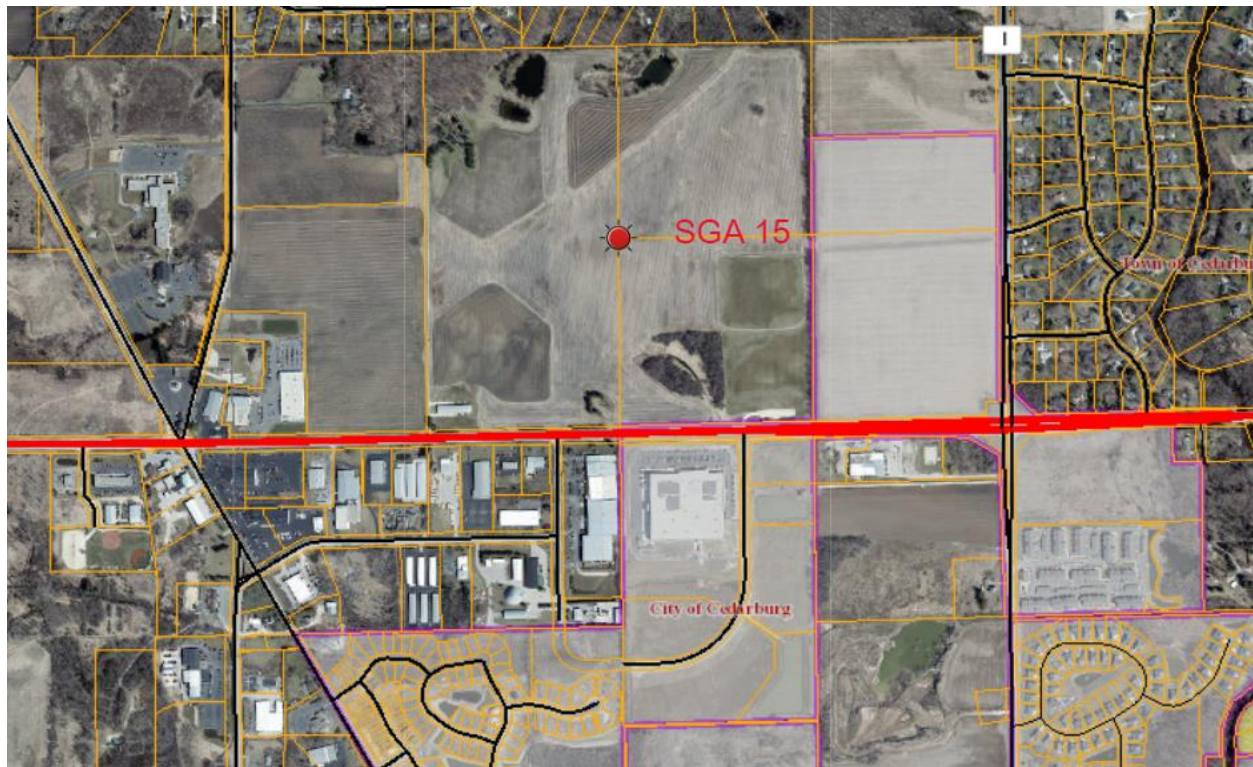
Land use Map



Zoning Map



2022 Aerial Photo



Current Verbiage of The Comprehensive Plan Regarding SGA 15

SGA-15 Grob Field area along the north side of Highway 60 east of the 5 Corners intersection. Neighborhood land use plan that can be adequately served by public utilities must be approved prior to annexation.

Proposed New Verbiage of The Comprehensive Plan Regarding SGA 15

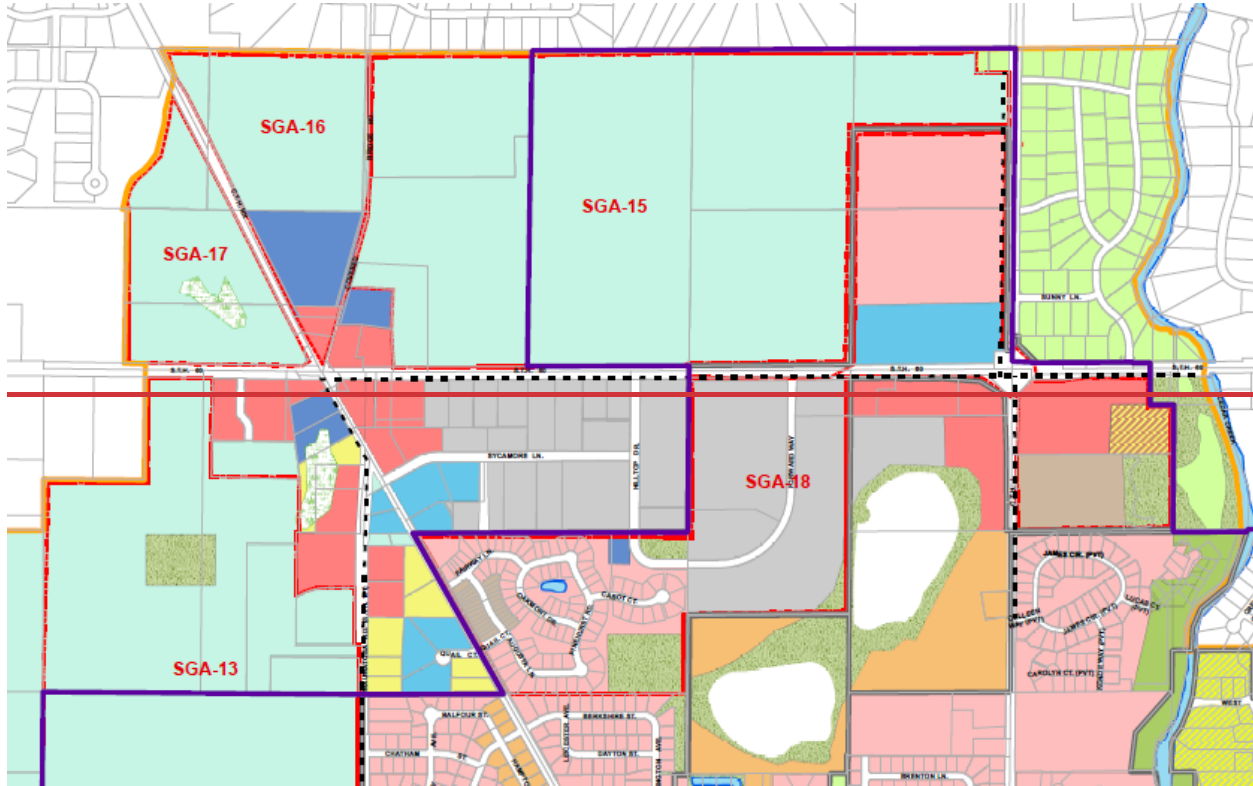
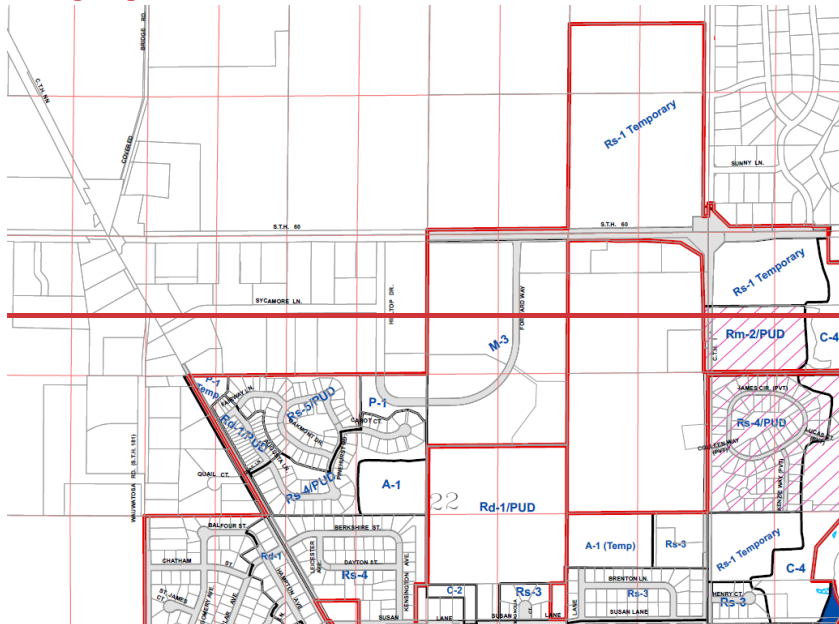
- Approximately 56 acres of this area is currently in the City.
 - The remaining 176 acres, are currently in the Town of Cedarburg but located within the “City Growth Area” according to the 2021 Intergovernmental Agreement with the Town of Cedarburg (see Appendix C).
- This site does contains limited environmental encumbrances such as Wetland, Shoreland, and Shoreland Wetlands.
- Access from this area to Hwy 60 will be controlled by Wis DOT.
- **Preliminary Engineering Review/comments include:**
 - **Sanitary sewer currently sits on the south property line of this site, however, the sewer size is not large enough to handle development of the**

entire site plus future flows from the west of this site. The sewer currently at this site is not deep enough to serve the entire site. Before certain portions of this site could be developed, 18" sewer would need to be extended from 24' south of the north property line of Cedar Place Apartment development, through the Wirth property and under STH 60 and CTH I to reach the site.

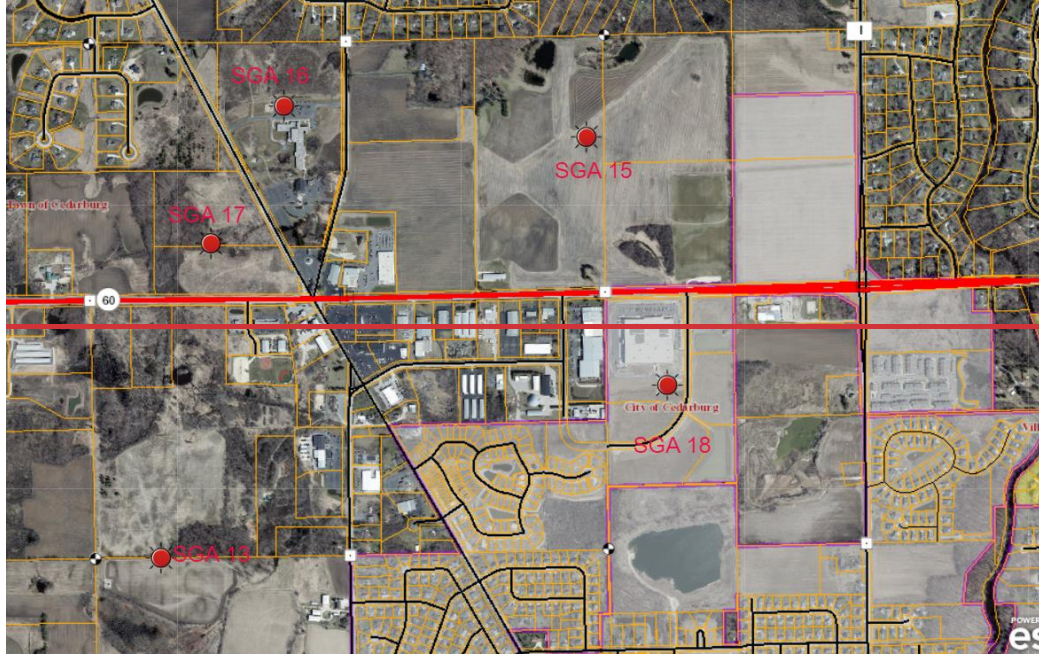
~~CURRENT SGA 16~~

~~Approximate Acres: 48.71~~

Land use Map

~~Zoning Map~~

2022 Aerial Photo



Current Verbiage of The Comprehensive Plan Regarding SGA 16

~~SGA-16 Area north of 1375 Covered Bridge Road (St. Francis Borgia Church):
Neighborhood land-use plan that can be adequately served by public
utilities must be approved prior to annexation.~~

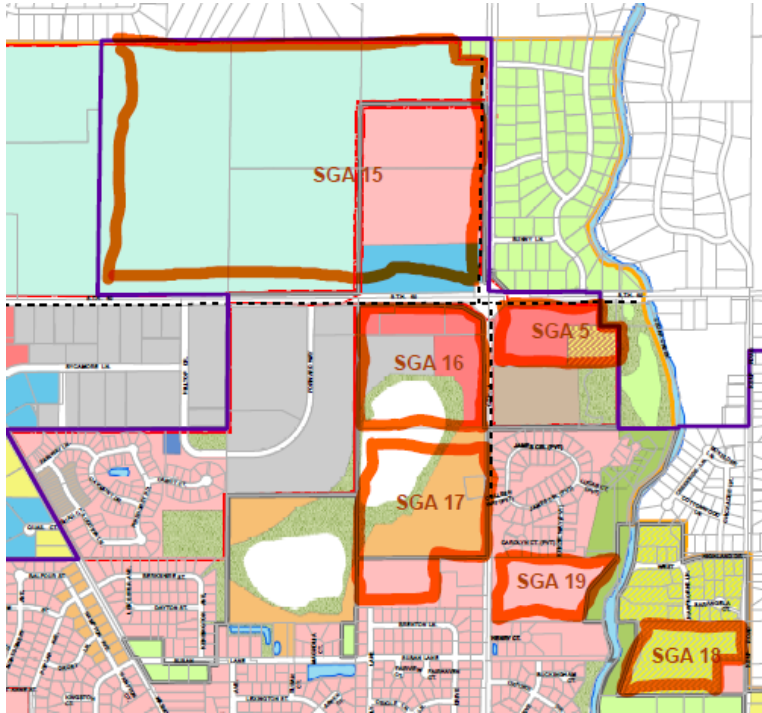
Proposed New Verbiage of The Comprehensive Plan Regarding SGA 16

- ~~• This area is now 'fully' occupied by Saint Francis Borgia Church and School.~~
- Designate as ~~Governmental and Institutional~~ on the Land use Plan **per Town of Cedarburg Land Use Plan Map.**
- Remove this area from the Smart Growth list.

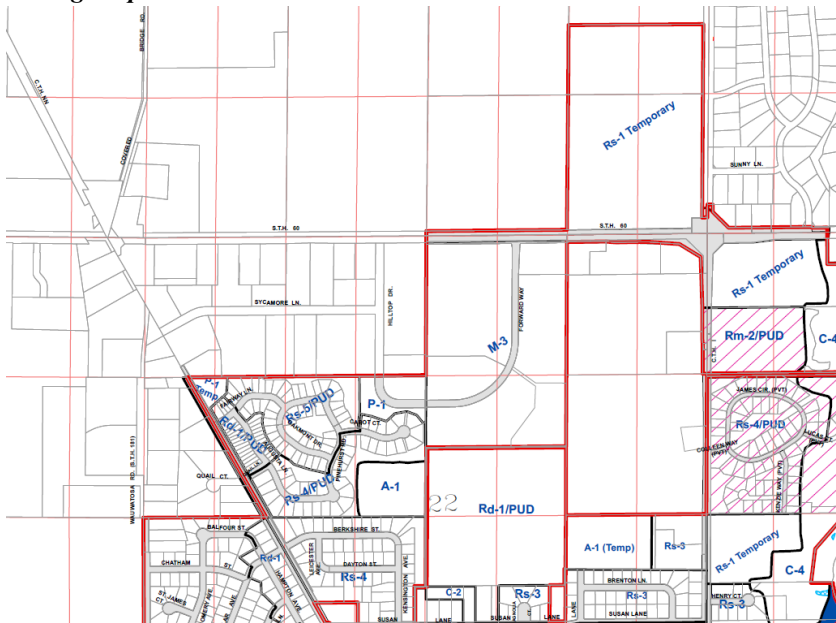
NEW SGA 16

Approximate Acres: 36

Land use Map



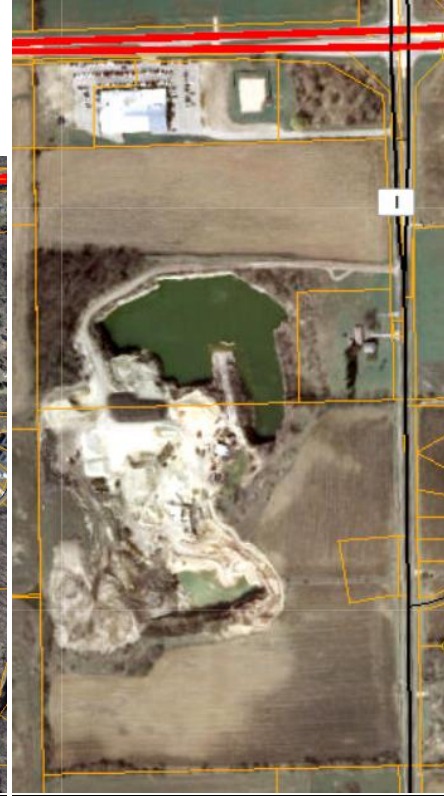
Zoning Map



2022 Aerial Photo



2010 Aerial Photo



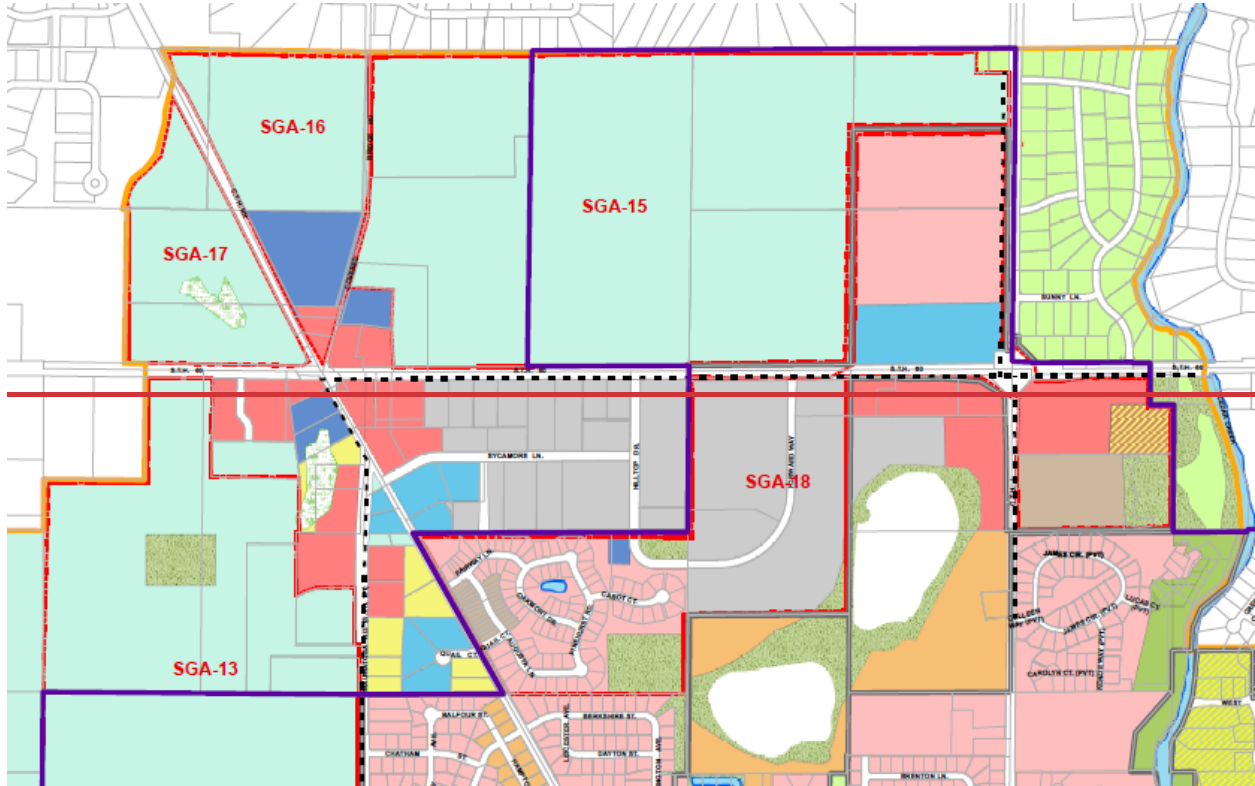
Proposed New Verbiage of The Comprehensive Plan Regarding SGA 16

- This property is currently located in the Town of Cedarburg. It is located on the City side of the City/Town Boundary Agreement.
- The north 300 feet of this SGA, along Hwy 60, is presently occupied by a bowling alley and related outdoor recreation use. The property is currently listed for sale.
- In the southwest corner of this SGA is a single-family residence located on a 3-acre lot.
- Access to Hwy 60 (and to a limited extent along CTH I as well) will be controlled by WisDOT.
- There is a filled quarry along the south side of the SGA (fill quality/compaction unknown).
- Preliminary Engineering Review/comments include:
 - The sanitary sewer currently exists through this site and along a portion of the east edge. This site could be developed now (excluding the area of filled quarry).

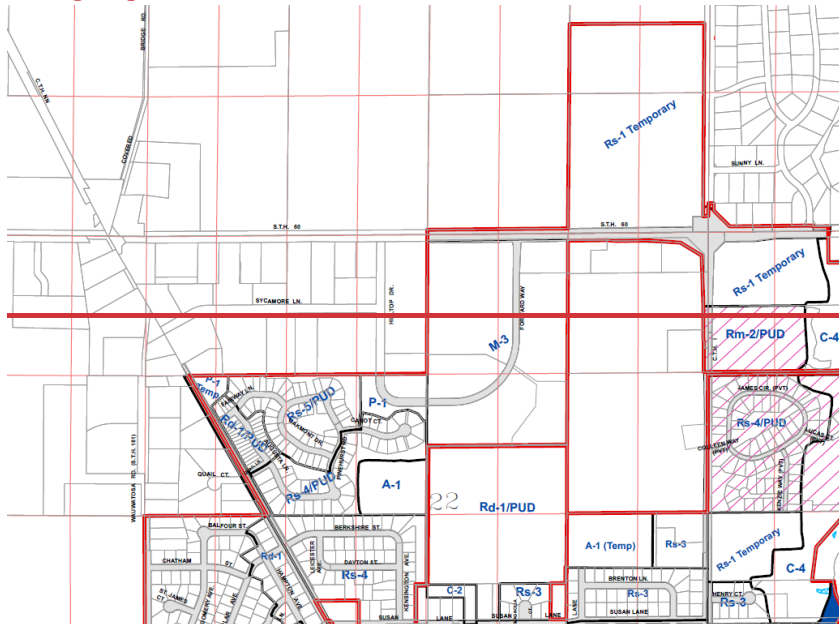
CURRENT SGA 17

Approximate Acres: 35.27

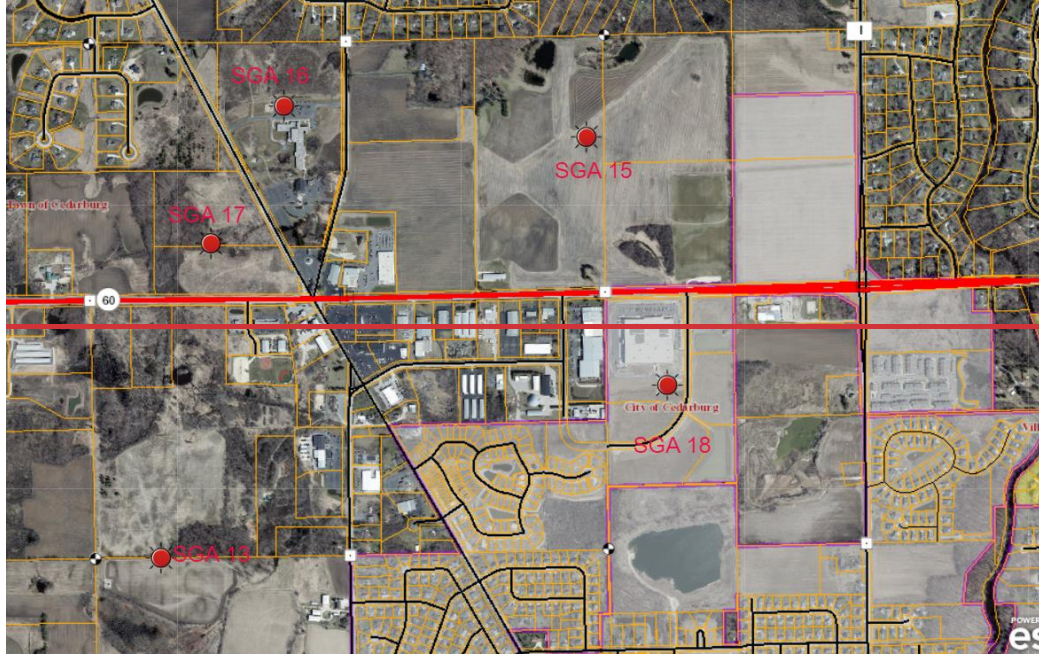
Land-use Map



Zoning Map



2022 Aerial Photo



Current Verbiage of The Comprehensive Plan Regarding SGA 17

~~SGA-17—Northwest corner of the 5 Corners intersection. Neighborhood land-use plan that can be adequately served by public utilities must be approved prior to annexation.~~

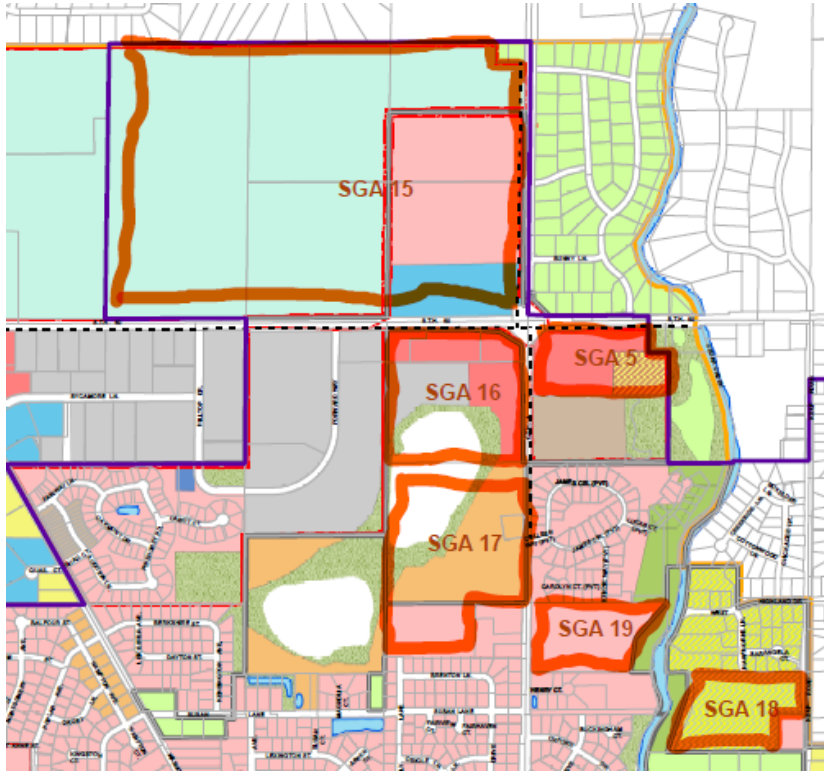
Proposed New Verbiage of The Comprehensive Plan Regarding SGA 17

- ~~• This land remains vacant.~~
- ~~• It is somewhat encumbered by wetland, shoreland, and shoreland wetlands.~~
- Designate on our Land Use Plan to be consistent with Town of Cedarburg Land Use Plan (pending adoption).
- Remove this area from the Smart Growth list.

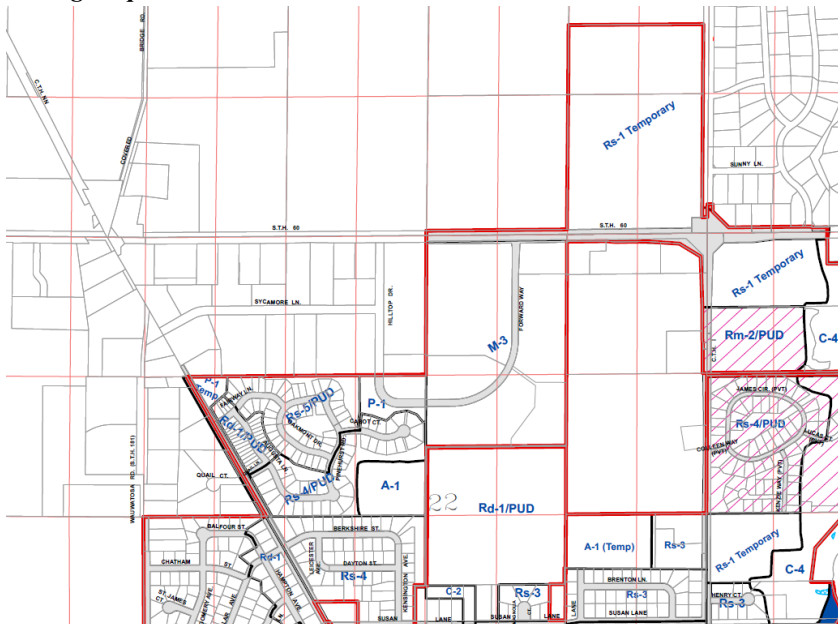
NEW SGA 17

Approximate Acres: 50

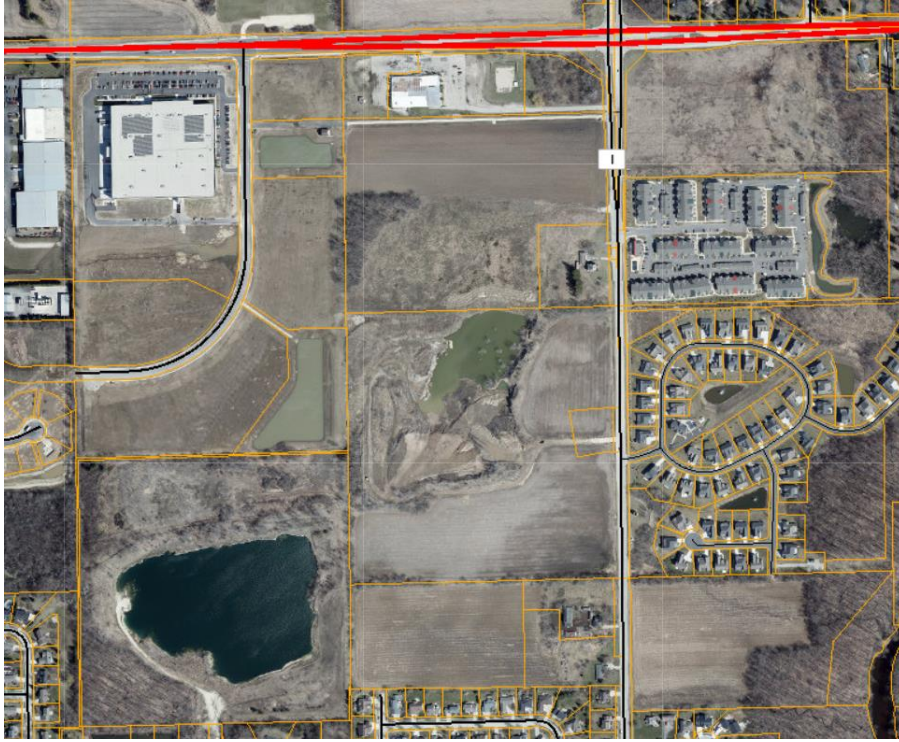
Land use Map



Zoning Map



2022 Aerial Photo



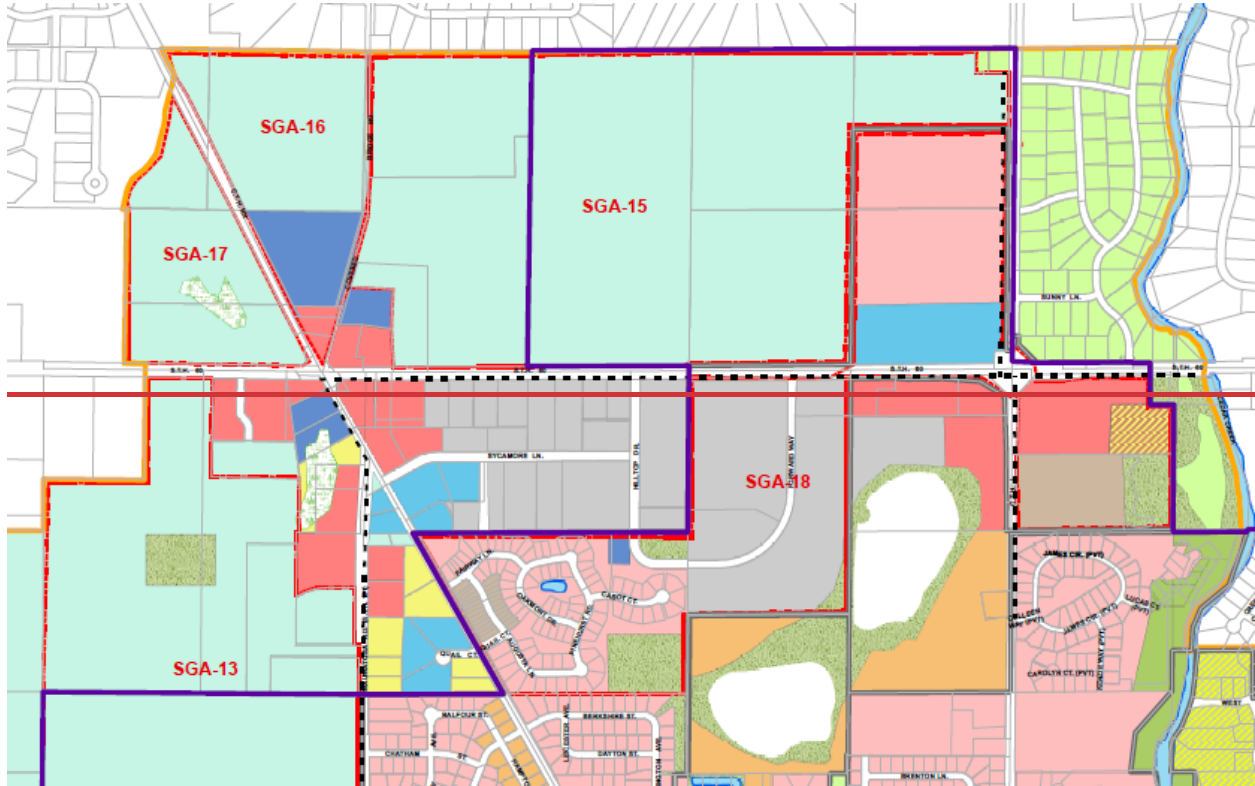
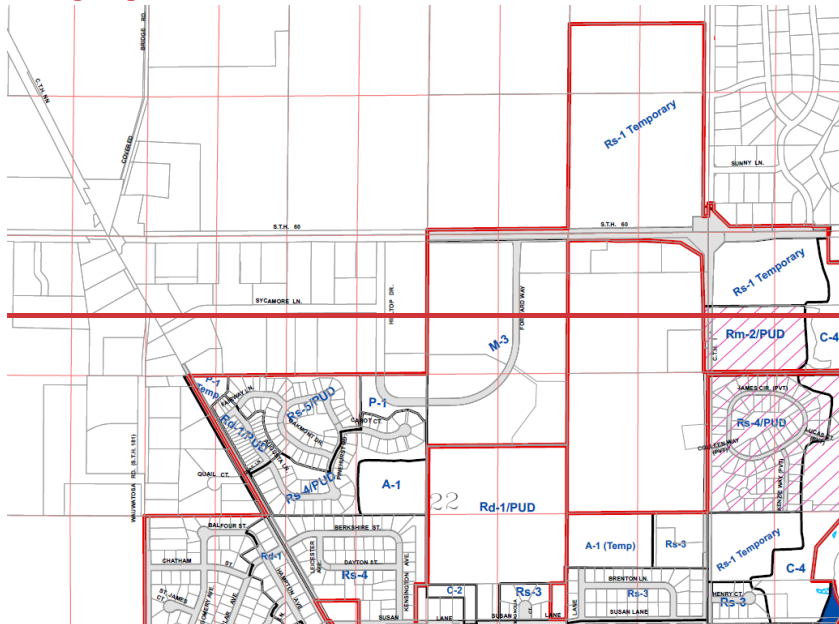
Proposed New Verbiage of The Comprehensive Plan Regarding SGA 17

- The southwest 10-acre parcel, within this SGA is already in the City limits. The remainder is currently located in the Town of Cedarburg. It is located on the City side of the City/Town Boundary Agreement.
- It is all vacant land.
- The northwest 18 acres of this site contains a quarry that is in the reclamation process. The content and compaction of fill material are being monitored.
- Preliminary Engineering Review/comments include:
 - The sanitary sewer currently sits on Sheboygan Rd. at Coleen Way. That sewer should be deep enough to serve the west side of the site. Should other sewer connection be needed to serve the lower areas, there is sanitary sewer in Sheboygan Rd. at the south edge of this site. The properties W60 N1067 and W60 N1085 Sheboygan Rd. must be connected to City sewer and water when the land behind them is developed. This SGA could be developed now.

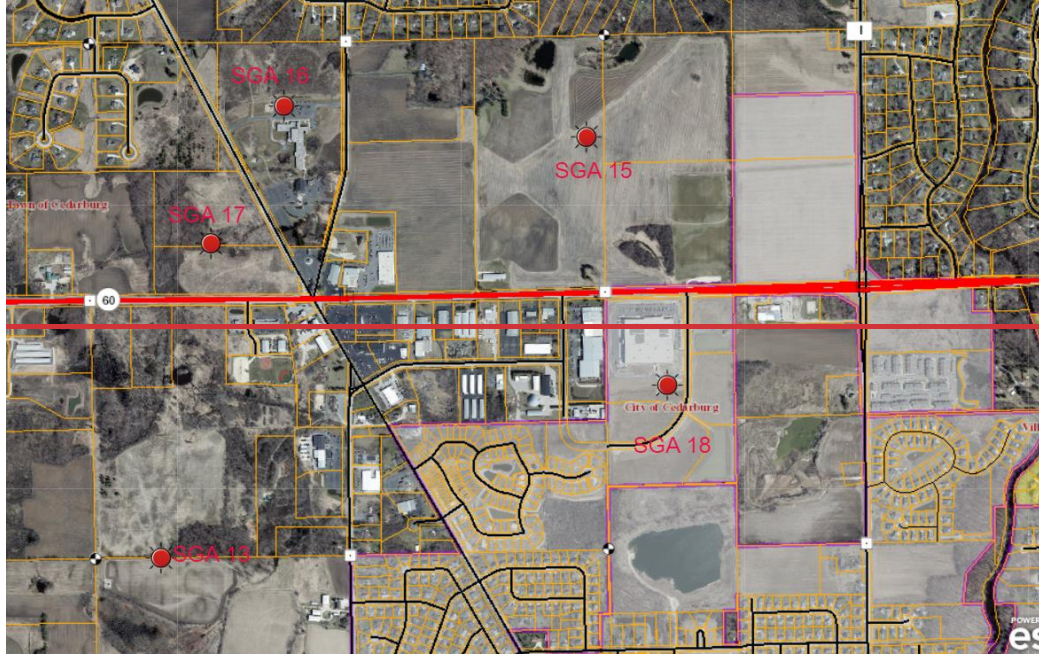
~~CURRENT SGA 18~~

~~Approximate Acres: 55.24~~

Land use Map

~~Zoning Map~~

2022 Aerial Photo



Current Verbiage of The Comprehensive Plan Regarding SGA 18

~~SGA-18 — TID #2. This area has been master-planned to meet the requirements of a mixed-use TID and will be monitored to maintain consistency with the approved plan.~~

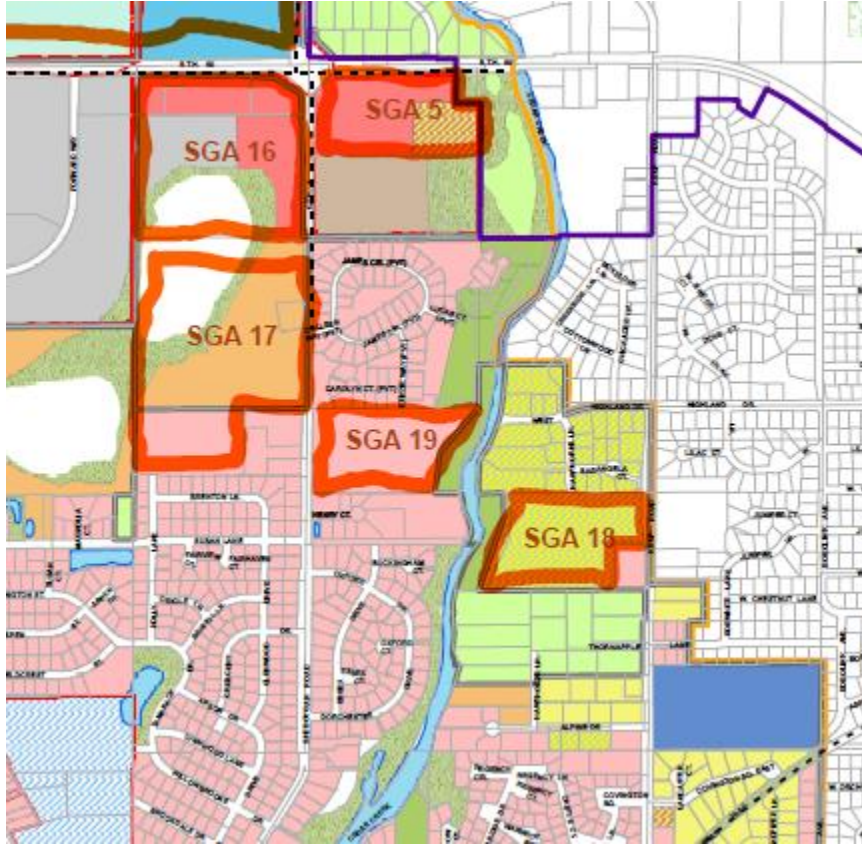
Proposed New Verbiage of The Comprehensive Plan Regarding SGA 18

- ~~This land is now developed as City of Cedarburg Hwy 60 Business Park and building has begun.~~
- ~~It contains a limited few spots of wetland character.~~
- Maintain the designation on our Land Use Plan of Industrial and Manufacturing.
- Remove this area from the Smart Growth list.

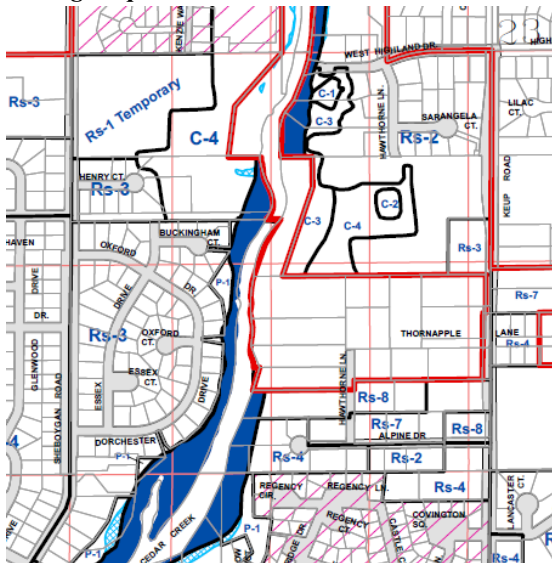
NEW SGA 18

Approximate Acres: 17.5

Land use Map



Zoning Map



2022 Aerial Photo



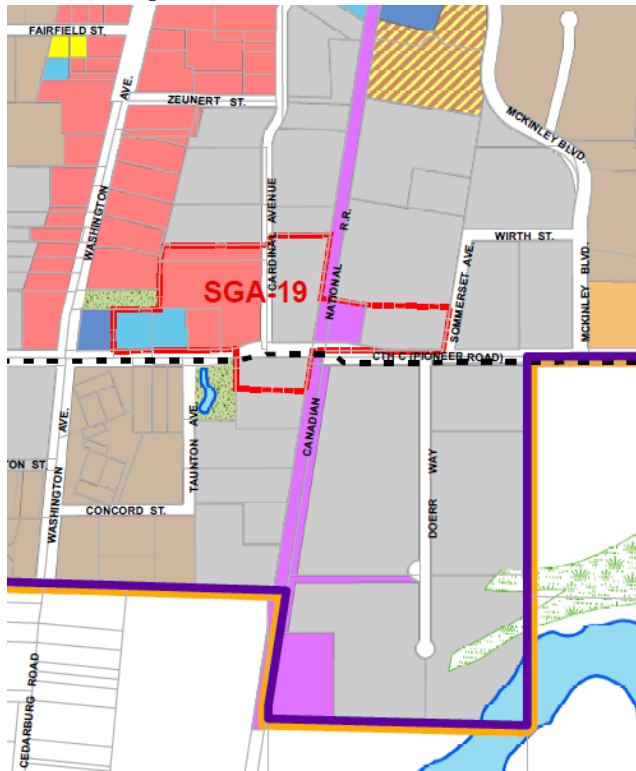
Proposed New Verbiage of The Comprehensive Plan Regarding NEW SGA 18

- This SGA is located within the City limits.
- It contains an accessory building associated with a single family residence located on the lot to the east.
- It is partially encumbered by environmental corridor and wetland designations.
- Preliminary Engineering Review/comments include:
 - The sanitary sewer currently sits at the end of Hawthorne Lane on the north edge of this site. Some of this site will be difficult to serve with gravity sewer. A majority of the site can be served by gravity sewer but these would likely be through wall lateral connections. Other than those limitations, the site could be developed now.

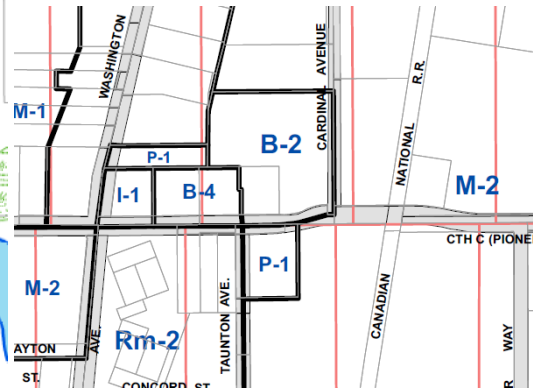
CURRENT SGA 19 (NOW KNOW AS SGA 20)

Approximate Acres: 20

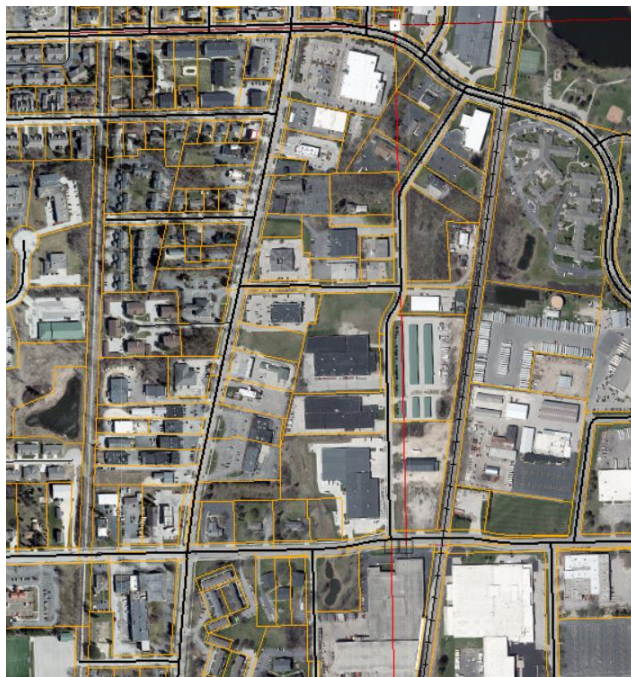
Land use Map



Zoning Map



2022 Aerial Photo



Current Verbiage of The Comprehensive Plan Regarding current SGA 19 (K/K/A 20)

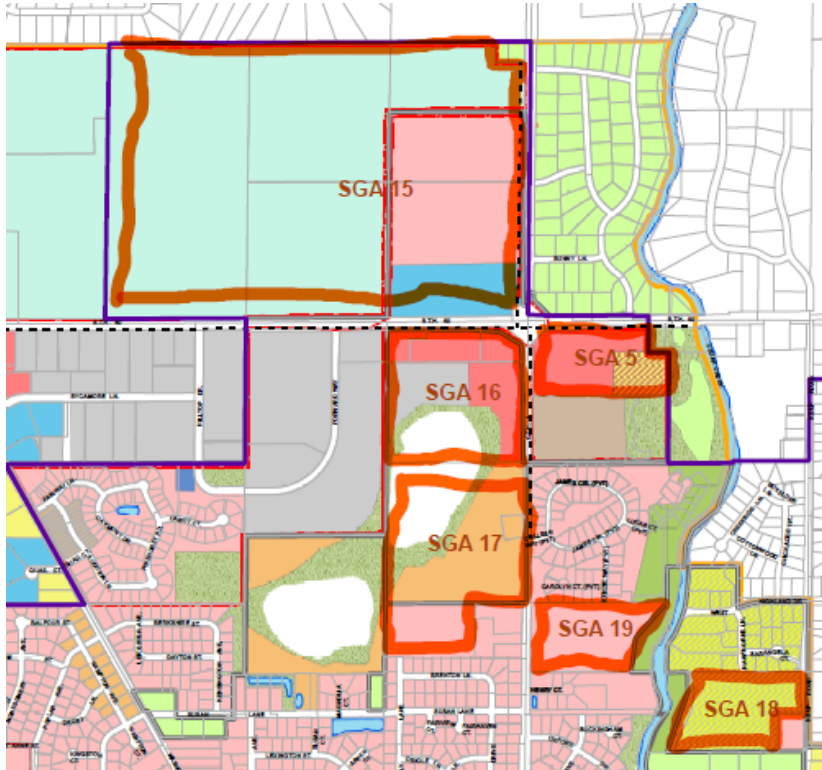
SGA-19 (kna20) None.

Updated Information Regarding SGA-19 (kna20)

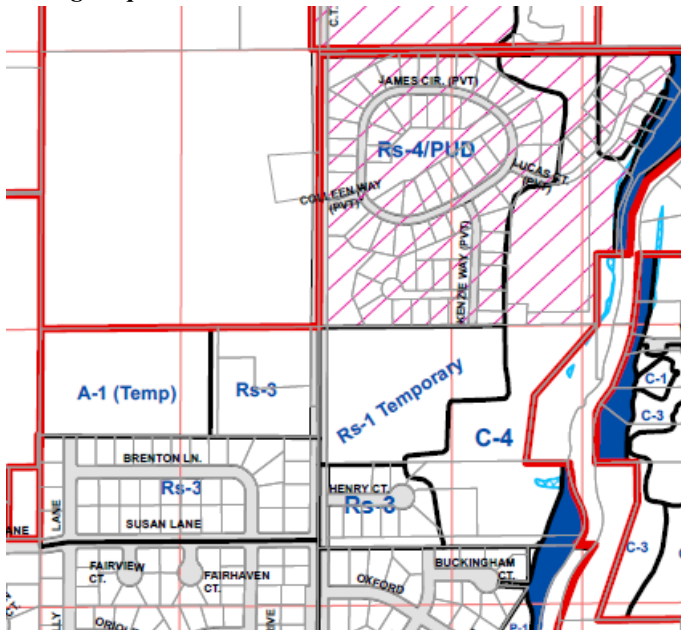
NEW SGA 19

Approximate Acres: 15.5

Land use Map



Zoning Map



2022 Aerial Photo



Proposed New Verbiage of The Comprehensive Plan Regarding SGA 19

- This SGA is located within the City limits.
- It is vacant land.
- It is partially encumbered by environmental corridor and wetland designations.
- Preliminary Engineering Review/comments include:
 - The sanitary sewer currently sits at the end of Kenzie Way on the north edge of the site. This site could be developed now.